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FILE NO. 45-96-39

ORDINANCE NO. 301-96

[Settlement of Union Grievance]

RO#95232

AUTHORIZATION FOR SETTLEMENT OF THE UNION GRIEVANCE FILED BY SEIU, LOCAL 790 ON BEHALF OF CAROLYN JEFFERY REGARDING HER TERMINATION FROM THE DEPARTMENT OF PUBLIC HEALTH - GENERAL HOSPITAL IN THE AMOUNT OF FOURTEEN THOUSAND TWO HUNDRED SEVENTEEN DOLLARS AND THIRTY THREE CENTS ($14,217.33).

Be it ordained by the People of the City and County of San Francisco:

Section 1. The City Attorney is hereby authorized to settle the union grievance filed by SEIU, Local 790 on behalf of Carolyn Jeffery against the Department of Public Health - General Hospital in the amount of fourteen thousand two hundred seventeen dollars and thirty three cents ($14,217.33).

APPROVED AS TO FORM
AND RECOMMENDED:

LOUISE H. RENNE
City Attorney

VICKI CLAYTON
Deputy City Attorney

SANDRA HERNANDEZ
Director, DPH

FUNDS AVAILABLE:

CONTROLLER
1G-AGF-AAA 09-00-00
*CON1GAGFAAA 097SG
BOARD OF SUPERVISORS

JUN 1 9 1996

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
July 15, 1996	July 22, 1996
Ayes: Supervisors Alioto Ammiano Bierman Brown Hsieh Katz Kaufman Teng Yaki	Ayes: Supervisors Alioto Ammiano Bierman Brown Hsieh Katz Kaufman Leal Shelley Teng Yaki
Absent: Supervisors Leal Shelley	

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No.
45-96-39

JUL 2 5 1996
Date Approved

Mayor

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AUG 1 2 1996

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FILE NO. 46-96-9 ORDINANCE NO. 302-96

[Settlement of Lawsuit]

AUTHORIZING SETTLEMENT OF LITIGATION OF CITY AND COUNTY OF SAN FRANCISCO AGAINST DONNA E. SHALALA, SECRETARY OF HEALTH AND HUMAN SERVICES, CASE NO6C 95-4150 MHP FOR ADDITIONAL MEDICARE REIMBURSEMENT.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The City Attorney is hereby authorized to settle the action entitled SAN FRANCISCO GENERAL HOSPITAL V. SHALALA, CASE NO. C 95-4150 MPH as set forth in the Stipulation (Proposed) Order Re: Settlement Agreement and Dismissed on file herein.

APPROVED AS TO FORM:
LOUISE H. RENNE, City Attorney
By Kathleen Murphy

RECOMMENDED:
DEPARTMENT OF PUBLIC HEALTH
Sandra R. Hernandez, M.D.
Director of Public Health

APPROVED:
HEALTH DEPARTMENT COMMISSION
Sandy Ouye Mori
Secretary

BOARD OF SUPERVISORS

Board of Supervisors, San Francisco

Passed for Second Reading	$	Finally Passed
July 15, 1996	$	July 22, 1996
Ayes: Supervisors Alioto Ammiano Bierman Brown Hsieh Katz Kaufman Teng Yaki	$	Ayes: Supervisors Alioto Ammiano Bierman Brown Hsieh Katz Kaufman Leal Shelley Teng Yaki
Absent: Supervisors Leal Shelley	$	

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John L. Taylor
Clerk

File No. 46-96-9

JUL 25 1996
Date Approved

Mayor

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FILE NO. 93-96-18.1 ORDINANCE NO. 303-96

(Memorandum of Understanding)

AMENDING ORDINANCE NO. 176-96 TO CORRECT CLERICAL ERRORS BY ADOPTING AND IMPLEMENTING THE PROVISION OF AMENDMENT NUMBER 1 TO THE MEMORANDUM OF UNDERSTANDING BETWEEN OPERATING ENGINEERS, LOCAL 3 BARGAINING FOR SUPERVISING PROBATION OFFICERS AND THE CITY AND COUNTY OF SAN FRANCISCO TO BE EFFECTIVE JULY 1, 1996 THROUGH JUNE 30, 1997.

Be it ordained by the People of the City and County of San Francisco.

The Board of Supervisors hereby implements the provisions within the Board's authority of Amendment Number 1 to the Memorandum of Understanding between Operating Engineers, Local 3 bargaining for Supervising Probation Officers and the City and County of San Francisco to correct clerical errors to be effective July 1, 1996 through June 30, 1997. The provisions so amended and implemented are on file in the office of the Board of Supervisors.

APPROVED AS TO FORM

LOUISE H. RENNE
CITY ATTORNEY

DEPUTY CITY ATTORNEY

BOARD OF SUPERVISORS

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
July 15, 1996	July 22, 1996
Ayes: Supervisors Alioto Ammiano Bierman Brown Hsieh Katz Kaufman Teng Yaki	Ayes: Supervisors Alioto Ammiano Bierman Brown Hsieh Katz Kaufman Leal Shelley Teng Yaki
Absent: Supervisors Leal Shelley	

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No. 93-96-18.1

JUL 25 1996
Date Approved

Mayor

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FILE NO. 97-96-11.1 ORDINANCE NO. 304-96

[Possessory Interest Taxes]

AMENDING SAN FRANCISCO ADMINISTRATIVE CODE, CHAPTER 6, TO ADD A NEW SECTION 6.63-1 TO PROVIDE THAT ALL AGREEMENTS FOR PRIVATE USE OF CITY PROPERTY INCLUDE AN ACKNOWLEDGMENT OF THE PRIVATE PARTY'S POTENTIAL LIABILITY FOR POSSESSORY INTEREST TAXES UNLESS THE BOARD OF SUPERVISORS SPECIFICALLY AUTHORIZES AND APPROVES THE CITY'S ASSUMPTION OF ANY SUCH LIABILITY, AND TO ADD A NEW SECTION 6.63-2 RELATING TO REPORTS TO THE ASSESSOR; AND AMENDING SAN FRANCISCO ADMINISTRATIVE CODE, CHAPTER 23, TO REFER TO THESE NEW SECTIONS.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Chapter 6 of the San Francisco Administrative Code is hereby amended by adding new sections 6.63-1 and 6.63-2, which shall read as follows:

Note: These entire sections are new.

SEC. 6.63-1. CONTRACTS FOR PRIVATE USE OF CITY PROPERTY; POSSESSORY INTEREST TAXES. All agreements permitting the use for private gain of real property situated in the City and County of San Francisco and owned by the City and County of San Francisco, including any agency thereof, shall contain a clear and unequivocal understanding that a possessory interest subject to taxation may be created and that the party with the right to use such property shall pay any and all possessory interest taxes levied upon his or her interest therein pursuant to an assessment lawfully made by the

Assessor. However, the Board of Supervisors may by resolution or ordinance specifically authorize and approve to be included in such agreement a provision for the City and County's assumption of the payment of such possessory interest taxes, in whole or in part, or for an offset against revenues otherwise due and payable to the City and County under such agreement in an amount equal to all or a portion of such possessory interest taxes.

Such agreement shall also provide that the holder of such interest shall, upon request, furnish the information required in Section 6.63-2 to the City and County within 30 days of any transaction that is subject to the reporting requirements of Section 6.63-2.

Within 60 days after execution of an agreement pertaining to the use of City property as further described above, the agency executing such agreement on behalf of the City and County shall forward, or cause the holder of such interest to forward, a copy of the agreement to the Assessor of the City and County of San Francisco, as required in Section 6.63-2 below.

As used in this Section and in Section 6.63-2 below, the term "agreement" shall mean any written contract, agreement or other document permitting the possession, occupancy or use of City real property including, but not limited to, leases, subleases, easements, licenses, use permits, permits to enter, concession agreements, franchise agreements and management agreements.

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SEC. 6.63-2. TAXABLE POSSESSORY INTERESTS IN TAX-EXEMPT REAL PROPERTY; REPORT OF AGREEMENT AND CHANGE OF OWNERSHIP OR EXTENSION OF AGREEMENT. In accordance with Revenue and Taxation Code Section 480.5, every owner of tax-exempt real property shall report to the Assessor of the City and County of San Francisco the creation, renewal, extension, assignment, sublease or other transfer of any interest granted under an agreement to use such property, within 60 days of the transaction. The report shall be on such form as the Assessor may prescribe and shall include, at a minimum, all of the following:

(a) The name and address of the owner.

(b) The names and addresses of all other parties to the transaction, including an identification of each party and of his or her interest under the agreement.

(c) The type of transaction, whether creation, renewal, extension, sublease, assignment, transfer or otherwise.

(d) A description of the property, which is the subject of the agreement.

(e) The effective date of the transaction.

(f) A summary of the essential terms of the transaction, including, but not limited to, all of the following:

(1) The consideration for the interest, whether paid in money or otherwise.

(2) The term of the agreement, including any renewal or extension options.

(3) If a sublease or other agreement subject to an underlying agreement, the original terms, remaining term and consideration paid for the master lease or other master agreement.

(4) If an assignment or other transfer, the original term, remaining term, and the consideration paid for the underlying lease or agreement.

Section 2. Chapter 23 of the San Francisco Administrative Code is hereby amended by amending Sections 23.6-1 and 23.6-2 to read as follows:

Note: Additions or substitutions are <u>underlined</u>; deletions are in double ((parentheses)).

SEC. 23.6-1. LEASES AND RENTAL AGREEMENTS; <u>POSSESSORY INTEREST</u> TAXES. ((All agreements to lease or rent real property situated in the City and County of San Francisco and owned by the City and County of San Francisco or any agency thereof shall contain a clear and unequivocal understanding that the lessee or renter shall pay any possessory interest taxes levied upon his or her interest therein pursuant to assessment lawfully made by the Assessor, unless the Board of Supervisors has by resolution or ordinance specifically authorized to be included in such agreement a provision for the assumption of the payment of such possessory interest taxes, in whole or in part, by the City and County.)) <u>All agreements to lease or rent real property situated in the City and County of San Francisco and owned by the City and County of San Francisco or any agency thereof shall be governed by</u>

Section 6.63-1.

((Such agreement shall also provide that the lessee or renter shall furnish the information required in Section 23.6-2 to the City and County within 30 days of the transaction, if requested by the City and County.

Within 60 days after the execution of the agreement the department executing such agreement on behalf of the City and County of San Francisco shall forward a copy thereof to the Assessor of the City and County of San Francisco, along with the report required in Section 23.6-2 below.))

SEC. 23.6-2. TAXABLE POSSESSORY INTERESTS IN TAX-EXEMPT REAL PROPERTY; REPORT OF CHANGE IN OWNERSHIP. ((Every owner of tax-exempt real property shall report to the Assessor the creation, renewal, sublease, or assignment of any taxable possessory interest in that property within 60 days of the transaction. The report shall include all of the following:

(a) The name and address of the owner.

(b) The names and addresses of all other parties to the transaction, including an identification of each party and of his or her possessory interest.

(c) The type of transaction, whether creation, renewal, sublease, or assignment.

(d) A description of the property.

(e) The date of the transaction.

///

///

(f) The terms of the transaction, including all of the following:

(1) The consideration for the possessory interest, whether paid in money or otherwise.

(2) The term of the possessory interest, including any renewal or extension options.

(3) If a sublease, the original terms, the remaining term, and the consideration paid for the master lease.

(4) If an assignment, the original term, the remaining term, and the consideration paid for the underlying lease.))

Reports of leases of property situated in the City and County of San Francisco and owned by the City and County of San Francisco or any agency thereof shall be governed by Section 6.63-2.

APPROVED AS TO FORM:

LOUISE H. RENNE
City Attorney

By _____
Deputy City Attorney

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Board of Supervisors, San Francisco

Passed for Second Reading	$	Finally Passed
	$	
July 15, 1996	$	July 22, 1996
	$	
	$	
Ayes: Supervisors Alioto Ammiano	$	Ayes: Supervisors Alioto Ammiano
Bierman Brown Hsieh Katz Kaufman	$	Bierman Brown Hsieh Katz Kaufman
Teng Yaki	$	Leal Shelley Teng Yaki
	$	
Absent: Supervisors Leal Shelley	$	

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John L. Taylor
Clerk

File No.
97-96-11.1

JUL 25 1996
Date Approved

Mayor

ERRATA

Correct Ordinance 305-96, by inserting the following into line 1 of the Title:

, SECTION 31.46A

To read as follows: "CHAPTER 31, SECTION 31.46A TO EXTEND".

Mr. John L. Taylor
Clerk of the Board
July 26, 1996

(ENVIRONMENTAL REVIEW FEES)

7/26/96 rt

AMENDING THE SAN FRANCISCO ADMINISTRATIVE CODE CHAPTER 31, SECTION 31.46A TO EXTEND THE SEPTEMBER 30, 1996, SUNSET CLAUSE TO SEPTEMBER 30, 1997, AND ADJUST FEES CURRENTLY CHARGED FOR ENVIRONMENTAL REVIEW ACTIONS, ACTIVITIES AND PROCEDURES.

NOTES: Additions are underlined; deletions are in ((double parentheses)).

Be it ordained by the People of the City and County of San Francisco:

Section 1. Chapter 31 of the San Francisco Administrative Code is hereby amended by amending Section 31.46A thereof to read as follows:

Sec. 31.46A. BASIC FEES

(a) The following basic fees shall be charged by the Department of City Planning, as specified in Section 31.45 above:

(1) For an initial evaluation of a project (Section 31.23) excluding use of special expertise or technical assistance, as described in Section 31.47 below, the initial fee shall be:

- where the total estimated construction cost as defined by the San Francisco Building Code is less than $10,000 ..... $950;
- where said total estimated construction cost is $10,000 or more, but less than $200,000 ..... $950 PLUS .41% of the cost over $10,000;
- where said total estimated construction cost is

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$200,000 or more, but less than $1,000,000 .....
$1,730 PLUS .33% of the cost over $200,000;

- where said total estimated construction cost is $1,000,000 or more, but less than $10,000,000 ....$4,248 PLUS .26% of the cost over $1,000,000;
- where said total estimated construction cost is $10,000,000 or more, but less than $30,000,000 ..... $27,647 PLUS .08% of the cost over $10,000,000;
- where said total estimated construction cost is $30,000,000 or more, but less than $50,000,000 ..... $44,067 PLUS .03% of the cost over $30,000,000;
- where said total estimated construction cost is $50,000,000 or more, but less than $100,000,000 ..... $49,540 PLUS .007% of the cost over $50,000,000;
- where said total estimated construction cost is $100,000,000 or more ..... $53,189 PLUS .003% of the cost over $100,000,000.
- where there is no construction cost ..... $950; plus time and materials as set forth in subsection (b)(2).

An applicant proposing significant revisions to a project for which an application is on file with the Department of City

Planning shall be charged time and materials to cover the full costs in excess of the fee paid, total charge not to exceed three times the initial fee without providing an estimate of cost.

(2) For preparation of an environmental impact report (Sections 31.26 - 31.28) excluding use of special expertise or technical assistance, as described in Section 31.47 below, the initial fee shall be:

- where the total estimated construction cost as defined in the San Francisco Building Code is less than $200,000 ..... $16,000;
- where said total estimated construction cost is $200,000 or more, but less than $1,000,000 ..... $16,000 PLUS .4% of the cost over $200,000;
- where said total estimated construction cost is $1,000,000 or more, but less than $10,000,000 ..... $19,187 PLUS .27% of the cost over $1,000,000;
- where said total estimate construction cost is $10,000,000 or more, but less than $30,000,000 ..... $43,514 PLUS .11% of the cost over $10,000,000;
- where said total estimated construction cost is $30,000,000 or more, but less than $50,000,000 ..... $64,854 PLUS .03% of the cost over $30,000,000;

- where said total construction cost is $50,000,000 or more, but less than $100,000,000 ..... $70,328 PLUS .03% of the cost over $50,000,000
- where said total estimate construction cost is $100,000,000 or more $84,554 PLUS .01% of the cost over $100,000,000

Applicants will be billed for time and materials as set forth in subsection (b)(2).

An applicant proposing significant revisions to a project for which an application is on file with the Department of City Planning shall be charged time and materials to cover the full costs in excess of the fee paid, total charge not to exceed three times the initial fee without providing an estimate of cost.

(3) For an appeal to the City Planning Commission [Sections 31.14(b), 31.24(d), 31.25(b)]: the fee shall be $200 to the appellant, and an additional fee shall be paid by the project sponsor based on the time and materials the Department expends in responding to the appeal; provided, however, that this additional fee shall not exceed three times the cost of the initial evaluation as set forth in paragraph 1 above without providing an estimate of costs.

(4) For a copy of an environmental impact report or other document, where this Chapter does not require the sending of that document to the person requesting it: the actual cost to the Department of City Planning of reproducing that copy.

(5) For preparation of an addendum to an environmental impact report that has previously been certified, pursuant to Section 15164 of the State CEQA Guidelines: one third of the initial fee that would be required for a full environmental impact report on a project with a construction cost of less than $200,000, plus time and materials as set forth in subsection (b)(2).

(6) For preparation of a supplement to a draft or certified final environmental impact report: one half of the fee that would be required for a full environmental impact report on the same project, as set forth in paragraph 2 above, plus time and materials as set forth in subsection (b)(2).

(7) For preparation of a subsequent environmental impact report: two thirds of the fee that would be required for a full environmental impact report on the same project, as set forth in paragraph 2 above plus time and materials as set forth in subsection (b)(2).

(8) For reevaluation of a modified project for which a negative declaration has been prepared, pursuant to Section 31.35 (a) and (c), the same fee as for an initial evaluation for projects with no construction cost, $950 plus time and materials as set forth in subsection (b)(2).

(9) For preparation of a Certificate of Exemption from Environmental Review determining that a project is Categorically Exempt, Statutorily Exempt, Ministerial/Non-Physical, an

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Emergency, or a Planning and Feasibility Study,: $150 plus time and materials as set forth in subsection (b)(2).

(10) For preparation of a Letter of Exemption From Environmental Review: $75.

(11) For any project which has the potential to create shadow impact on property protected under City Planning Code Section 295(a), and is subject to computer analysis: a minimum fee of $5,000 plus time and materials as set forth in subsection (b)(2).

(12) For monitoring environmental mitigation measures which are imposed as conditions of approvals: cost of time and materials. Total charge not to exceed $1,000, without providing an estimate of cost.

(13) For reactivating an application that the Environmental Review Officer has deemed withdrawn due to inactivity and the passage of time, subject to the approval of the Environmental Review Officer and within six months of the date the application was deemed withdrawn: $1,000 plus time and materials to cover any additional staff costs, total charge not to exceed twice the initial fee for the original application without providing an estimate of cost.

(b) Payment.

(1) The fee specified in Subsection (a) (1) shall be paid to the Department of City Planning at the time of the filing of the environmental evaluation application, and where an

environmental impact report is determined to be required, the fee specified in Subsection (a) (2) shall be paid at the time the preliminary draft environmental impact report I (PDEIR I) is prepared, except as specified below.

(2) The Department of City Planning shall charge the applicant for any time and material costs incurred in excess of the fee paid. The total additional charge shall not exceed two times the initial fee paid without providing an estimate of cost. Provided, however, that where a different limitation on time and materials is set forth elsewhere in this section, that limitation shall prevail.

(3) Any fraternal, charitable, benevolent or any other non-profit organization, which organization is exempt from taxation under the Internal Revenue laws of the United States and the Revenue and Taxation Code of the Sate of California as a bona fide fraternal, charitable, benevolent or other non-profit organization, may defer payment of the fees specified in Subsections (a) (1) and (a) (2) to (1) the time of issuance of the building permit, before the building permit is released to the applicant; or (2) within one year of the date of completion of the environmental review document, whichever is sooner, provided that the application is for the development of residential units all of which units are affordable to low and moderate households, as defined in the Guidelines of the United States Housing and Urban Development Department, for a period of

20 years, which exemption shall apply notwithstanding the inclusion in the development of other non-profit ancillary or accessory uses.

(4) An exemption from paying the full fees specified under subsection (a)(3) may be granted when the appellant's income is not enough to pay the fee without affecting their abilities to pay for the necessities of life, provided that the person seeking the exemption demonstrates to the Zoning Administrator that they are substantially affected by the proposed project.

(5) Exceptions to the payment provisions noted above may be made when the Environmental Review Officer has authorized phased collection of the fee for a project whose work is projected to span more than one fiscal year.

(c) Refunds. When a request for an initial evaluation or for preparation of an environmental impact report is (1) either withdrawn by the applicant or deemed canceled by the Department of City Planning due to inactivity on the part of the applicant, and (2) the Environmental Review Officer determines that no substantial costs have been incurred by the Department in acting on the request (for example, no activity has occurred beyond initial scoping then the applicant shall be entitled to a refund of 75% of the fees paid to the Department.

(d) Late Charges and Collection of Overdue Accounts - A surcharge of one percent per month shall be added to the fee

amount owing the Department for fee accounts in arrears more than 30 days. The Zoning Administrator may call upon other City agencies or duly licensed collection agencies for assistance in collecting delinquent accounts more than six months in arrears, in which case any additional costs of collection may be added to the fee amount outstanding. If the Department seeks the assistance of a duly licensed collection agency, the approval procedures of Administrative Code Article 5, Section 10.39-1 et. seq. will be applicable.

(e) Temporary Surcharges On Environmental Review Fees.

(((1))) For each basic fee listed in ((Section 31.46A)) subsections (a)(1), (7), (8) and (12) above, ((an 8.5 percent)) a 1.8% surcharge shall be added to the filing fee to enable the Department of City Planning to recover the initial costs incurred by the Department in developing and implementing the hardware and software systems required to computerize activities associated with the Department's processing of permit applications. This surcharge shall remain in effect until June 30, ((1996)) 1997.

(f) Period Section is Operative. This Section is effective July 1, 1991 and operative through September 30, ((1996)) 1997. This Section is repealed as of October 1, ((1996)) 1997, unless a later enacted ordinance extends the operative period. The Board of Supervisors shall review the appropriateness of extending this Section on an annual basis.

(g) These amendments to fees related to the Department of

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City Planning are intended to provide revenues for the ((increased)) staffing and other support necessary to provide more timely processing of applications within that Department.

The City Planning Commission shall conduct public hearings at the end of Fiscal Year 1992-1993, Fiscal Year 1993-94, ((and)) Fiscal Year 1994-95, Fiscal Year 1995-96 and Fiscal Year ((1995-96)) 1996-97 to review the level of service provided by the Department of City Planning in providing improved application processing as contemplated under this ordinance. The Commission shall determine at its public hearing at the end of Fiscal Year ((1995-96)) 1996-97 whether to initiate an ordinance to extend or to otherwise modify those amendments to fees related to the Department of City Planning that are contained within this ordinance. The Commission shall provide a report and appropriate recommendations to the Board of Supervisors within one month of the close of its public hearing.

APPROVED AS TO FORM:

LOUISE H. RENNE, City Attorney

By _____
Deputy City Attorney

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Board of Supervisors, San Francisco

Passed for Second Reading	$	Finally Passed
July 15, 1996	$	July 22, 1996
Ayes: Supervisors Alioto Ammiano Bierman Brown Hsieh Katz Kaufman Teng Yaki	$	Ayes: Supervisors Alioto Ammiano Bierman Brown Hsieh Katz Kaufman Leal Shelley Teng Yaki
Absent: Supervisors Leal Shelley	$	

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

_____
Clerk

File No.
97-96-32

JUL 25 1996
Date Approved

_____
Mayor

[Colorado Products Ban]

AMENDING THE SAN FRANCISCO ADMINISTRATIVE CODE BY REPEALING ARTICLE XXI, SECTIONS 10.240, 10.241, 10.242, 10.243, 10.244, 10.245, 10.246, AND 10.247 THERETO TO REMOVE RESTRICTIONS PROHIBITING THE CITY FROM PURCHASING ANY COMMODITY MANUFACTURED OR PRODUCED IN THE STATE OF COLORADO.

NOTE: Additions are underlined; deletions are in ((double parentheses)).

Be it ordained by the People of the City and County of San Francisco:

Section 1. FINDINGS. The Board of Supervisors of the City and County of San Francisco hereby finds and declares as follows:

A. On May 20, 1996, the United States Supreme Court held, in the landmark decision Romer v. Evans, that Amendment 2, passed by the people of Colorado in 1992, was an unconstitutional violation of the Equal Protection Clause of the U.S. Constitution. The Supreme Court found that the amendment was enacted with clear animus towards persons of gay, lesbian, or bisexual orientation, and would deprive these persons of protections in employment, housing and other areas by permitting arbitrary discrimination. Finding no legitimate governmental basis for the state's action, the Supreme Court declared the amendment invalid, and permanently enjoined its enforcement.

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B. Since Amendment 2 has been overturned by the Court, there is no longer a need for the City to prohibit the purchase of any commodity manufactured or produced in the State of Colorado.

Section 2. Article XXI of the San Francisco Administrative Code is hereby amended by repealing Sections 10.240, 10.241, 10.242, 10.243, 10.244, 10.245, 10.246, and 10.247 as follows:

((**SEC. 10.240. FINDINGS.** (a) The Board of Supervisors hereby finds and declares that the City and County has a policy of taking and supporting any lawful action to end discrimination on the basis of sexual identity. On November 3, 1992, the people of the State of Colorado passed Amendment 2, an amendment to the State's Constitution that prohibits the State of Colorado and any department, agency political subdivision, municipality or school district in the state from enacting or enforcing any law, regulation or policy prohibiting discrimination on the basis of gay, lesbian or bisexual orientation. The Board of Supervisors finds and declares that this victory of hatred, intolerance, mean-spiritedness and animosity over open-mindedness, equality and justice represents a great obstacle to the progress of human freedom, deprives gay, lesbian and bisexual individuals of the right to equal access in employment, housing and other arenas and erodes the sovereignty of Colorado's municipalities. It is the policy of the City and County of San Francisco to recognize and give effect to the rights of every individual and to promote and

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provide equal opportunity, respect and good will toward all people, including those of all sexual identities. The people of the City and County of San Francisco deplore the passage of Amendment 2 in Colorado.

(b) Under this Article, the City and County wishes to exercise its power to make economic decisions involving its own funds and property as a participant in the marketplace. The Board of Supervisors therefore finds and declares that it intends to exercise the City and County's right to measure the moral character of its relations in determining with whom it shall conduct business and grant privileges. The City enacts this Article to prohibit the purchase by any City or County department of any commodity manufactured or produced in the State of Colorado, until such time as Amendment 2 shall be repealed or otherwise overturned.

SEC. 10.241. DEFINITIONS. As used in this Article, the following words and phrases shall have the meanings indicated herein:

(a) "City" or "City and County" shall mean the City and County of San Francisco, or any department, board, commission or agency thereof.

(b) "Commodities" shall include, but not be limited to, goods, commodities, materials, supplies, vehicles, machinery and equipment.

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(c) "Contract" shall include, but not be limited to, any contract, purchase order, term purchase agreement or other binding written obligation of the City and County.

(d) "Contracting Officer" shall mean that officer or employee of the City and County authorized under the Charter, the Administrative Code or the Municipal Code, to enter into a contract on behalf of the City and County. "Contracting Officer" shall include the Mayor, the Chief Administrative Officer, each department head or general manager and other employees of the City and County authorized to enter into contracts or other binding agreements on behalf of the City and County.

(e) "Purchaser" shall mean the Purchaser of the City and County, or any authorized representative of that official.

SEC. 10.242. PURCHASE OF COMMODITIES. A. **Prohibited Transactions.** The City and County of San Francisco shall not knowingly purchase any commodity from any vendor if that commodity has been produced or manufactured in the State of Colorado.

B. Reserved.

C. **Declaration Required.** Prior to entering into a contract for the purchase of a commodity, the contracting officer shall obtain a declaration under penalty of perjury from a person authorized to issue such a declaration, on a form prescribed by the Purchaser, certifying

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as to each commodity offered under the proposed contract that:

(a) The commodity was not manufactured or produced in the State of Colorado; or

(b) The commodity was manufactured or produced in the State of Colorado; or

(c) The person issuing the declaration cannot, through inquiries made in the normal course of that person's business, determine whether the commodity was or was not manufactured or produced in the State of Colorado.

D. **Exceptions**. This Section 10.241 shall not apply to:

1. Any binding contractual obligation for the purchase of commodities entered into prior to the effective date of this ordinance; or

2. The purchase of any commodity which the contracting officer finds is required by the City and County and which is manufactured or produced only in the State of Colorado; or

3. Any contract for the purchase of commodities or any individual order of a commodity through a term purchase agreement with a total aggregate value of less than $5,000; or

4. Any contract for the purchase of commodities wherein the total value of commodities manufactured or produced in the State of Colorado and offered through such contract constitute no more than 10 percent of the total contract value; or

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5. Any contract wherein the City will incur a financial loss which in the opinion of the contracting officer would violate his or her fiduciary duties; or

6. Where the inclusion or application of such provisions will violate or be inconsistent with the terms or conditions of a grant, subvention or contract with an agency of the State of California or the United States or the instruction of an authorized representative of any such agency with respect to any such grant, subvention or contract.

SEC. 10.243. RULES AND REGULATIONS. A. The Purchaser or department head of a department, board or commission authorized to purchase or otherwise acquire commodities for the City, whichever is appropriate, shall promulgate any rules and regulations necessary or appropriate to carry out the purposes and requirements of this ordinance. Each department, board and commission of the City and County shall cooperate with, and provide in writing to, the Purchaser all information necessary for the Purchaser to promulgate such rules and regulations.

B. All contracts and other similar written agreements shall incorporate this Article by reference whenever applicable and shall provide that the failure of any bidder or contractor to comply with any of its requirements shall be deemed a material breach of contract.

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C. All term purchase agreements shall contain a provision requiring that whenever a department orders or requests a commodity through said term purchase agreement, pursuant to Section 21.18 of this Code and any written rules and regulations promulgated in accordance therewith, which the vendor providing the commodity knows to have been manufactured or produced in the State of Colorado, the vendor shall, before filling the department's order, notify the Purchaser and the requesting department that the ordered commodity is manufactured or produced in the State of Colorado. If the Purchaser determines that the department is prohibited by this Article from purchasing said commodities, the department shall:

(a) Request the vendor to provide an alternate commodity not manufactured or produced in Colorado; or

(b) If the vendor is unable or unwilling to provide an alternate commodity not manufactured or produced in Colorado, obtain the commodity from another available vendor.

SEC. 10.244. PUBLIC RECORDS. All declarations and reports prepared pursuant to the requirements of this ordinance shall be made available for public inspection except those prepared for purposes of litigation.

SEC. 10.245. PENALTY. (a) Whenever a person or entity being considered for a contract or under contract with the City and County

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submits a declaration pertaining to the origin of the commodities supplied, which is later found by the City and County, after an investigation by the contracting officer and the City Attorney, to be false, the City and County shall have the authority to impose such sanctions or take such other action as are designed to ensure compliance with the provisions of this Article which shall include, but are not limited to:

(1) Refusal to certify the award of the contract;

(2) Order suspension of a contract;

(3) Order the withholding of funds;

(4) Order the revision of a contract based on a material breach of contract provisions pertaining to the origins of the commodities supplied;

(5) Disqualification of a bidder or contractor from eligibility for providing commodities to the City and County for a period not to exceed five years, with a right to review and reconsideration by the contracting City office or department after two years upon a showing of corrective action indicating violations are not likely to reoccur.

(b) All contracts shall provide that in the event any bidder or contractor fails to comply in good faith with any of the provisions of this Article the bidder or contractor shall be liable for liquidated damages for each violation in an amount equal to the bidder's of contractor's net profit of the contract, or 10 percent of the total amount of the contract or $1,000, whichever is greatest. All contracts

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shall also contain a provision whereby the bidder or contractor acknowledges and agrees that the liquidated damages assessed shall be payable to the City and County upon demand and may be offset against any monies due to the bidder or contractor from any contract with the City and County of San Francisco.

SEC. 10.246. IMPLEMENTATION REPORTS. (a) The Purchaser shall provide written reports on the implementation of this ordinance to the Board of Supervisors at the first Board of Supervisors meeting held one year after this Article has been in effect and annually thereafter.

(b) Each department, board and commission of the City and County shall provide to the Purchaser in writing all information necessary to prepare such reports.

SEC. 10.247. SEVERABILITY. If any section, subsection, clause, phrase or portion of this Article is for any reason held invalid or unconstitutional by any court or federal or State agency of competent jurisdiction, such portion shall be deemed a separate, distinct and

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independent provision and such holding shall not affect the validity of the remaining portions thereof.))

APPROVED AS TO FORM:

LOUISE H. RENNE, City Attorney

By JOHN I. KENNEDY
Deputy City Attorney

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Board of Supervisors, San Francisco

Passed for Second Reading	$	Finally Passed
	$	
July 15, 1996	$	July 22, 1996
	$	
	$	
Ayes: Supervisors Alioto Ammiano	$	Ayes: Supervisors Alioto Ammiano
Bierman Brown Hsieh Katz Kaufman	$	Bierman Brown Hsieh Katz Kaufman
Teng Yaki	$	Leal Shelley Teng Yaki
	$	
Absent: Supervisors Leal Shelley	$	

I hereby certify that the foregoing ordinance
was finally passed by the Board of Supervisors
of the City and County of San Francisco

John L. Taylor
Clerk

File No.
97-96-37

JUL 25 1996
Date Approved

Mayor

FILE NO. 97-96-39 ORDINANCE NO. 307-96

(TAX COLLECTOR - ADMINISTRATIVE FEES)

AMENDING THE SAN FRANCISCO ADMINISTRATIVE CODE BY ADDING SECTION 8.34.1 THERETO ESTABLISHING FEES FOR THE ADMINISTRATIVE COSTS OF THE TAX COLLECTOR TO PROCESS DOCUMENTS RELATING TO TAX BILLS.

NOTE: This entire section is new.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The San Francisco Administrative Code is hereby amended by adding Section 8.34.1 thereto to read as follows:

SEC. 8.34.1. TAX BILLING - ADMINISTRATIVE FEES.

(a) **Application for Separate Valuation.** Pursuant to Section 2821 of the California Revenue and Taxation Code, a fee of $50.00 shall be collected by the Tax Collector at the time any person applies to the Tax Collector to have any parcel separately valued on the current roll for the purpose of paying taxes. The fee shall be for the actual costs incurred by the Tax Collector for the processing of an application for separate assessment, and the initial and ongoing costs of separate assessment, billings, and mailings. The fee may be billed separately or prior to initial separate tax bills, or both, or collected on subsequent tax bills, and shall be deposited in the general fund.

(b) **Delinquent Property Taxes - Installment Payments.** Pursuant to Section 4217 of the California Revenue and Taxation Code, persons that request to pay delinquent property taxes in installments shall be subject to a processing fee of $20.00. The fee shall be paid to the Tax Collector and may be collected on the tax bill.

(c) **Preparation and Provision of Documents.** Pursuant to Section 162 of the California Revenue and Taxation Code, the Tax Collector shall charge and collect a fee of $1.00 for preparing each of the following documents:

(a) A certified copy of a redemption certificate.

(b) A certified copy of an installment redemption receipt.

(c) A certificate of payment showing taxes paid.

(d) A certified copy of an assessment as entered on the assessment role.

The fee for providing a copy of any these records or documents by photographic process shall be the actual cost thereof plus the sum of one dollar ($1.00). The fee shall be placed in the general fund.

APPROVED AS TO FORM:

Deputy City Attorney

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Board of Supervisors, San Francisco

Passed for Second Reading	$	Finally Passed
	$	
July 15, 1996	$	July 22, 1996
	$	
	$	
Ayes: Supervisors Alioto Ammiano	$	Ayes: Supervisors Alioto Ammiano
Bierman Brown Hsieh Katz Kaufman	$	Bierman Brown Hsieh Katz Kaufman
Teng Yaki	$	Leal Shelley Teng Yaki
	$	
Absent: Supervisors Leal Shelley	$	

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John L. Taylor
Clerk

File No.
97-96-39

JUL 25 1996
Date Approved

Mayor

ERRATA

Correct Ordinance 308-96 by inserting the following into line 2 of the Title:

THRU 359

To read as follows, "SECTIONS 350 THRU 359 TO EXTEND".

Mr. John L. Taylor
Clerk of the Board
July 26, 1996

(PLANNING FEES)

AMENDING ARTICLE 3.5 AND ARTICLE 3.5A OF THE SAN FRANCISCO MUNICIPAL CODE (CITY PLANNING CODE) AMENDING SECTIONS 350/~~EF-6BQ~~ THRU 359 TO EXTEND THE SEPTEMBER 30, 1996 SUNSET CLAUSE TO SEPTEMBER 30, 1997, IMPOSE NEW FEES AND ADJUST FEES CURRENTLY CHARGED FOR DEPARTMENT OF CITY PLANNING ACTIONS, ACTIVITIES AND SERVICES

7/26/96

NOTE: Additions are underlined; deletions are in ((double parentheses)).

Be it ordained by the people of the City and County of San Francisco:

Section 1, Part II, Chapter 2, Article 3.5A of the San Francisco Municipal Code is hereby amended to read as follows:

ARTICLE 3.5A

Sec. 350. FEES, GENERAL. Fees shall be imposed in order to compensate the Department of City Planning for the cost of processing permit applications for the establishment, abolition or modification of a setback line, for signs, demolition, reclassification of property, conditional use authorization, granting of an exemption, variance, or coastal zone permit; reviewing permit applications filed in and issued by other City departments, institutional master plans, Master Plan amendments and referrals, projects which require review under Section 295 of

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this Code (park shadow ordinance) and permits requiring additional review by nature of their location within the C-3 District, projects requiring special review pursuant to Section 306.7; providing transportation review associated with project applications, providing policy and code review and interpretation, Zoning Administrator written determinations pursuant to Section 307 (a), zoning certifications, research, document retrieval and technical reports, City Planning Commission agendas, notification of project applications, computer acquisition, hazardous waste facilities review; collection of fees that are in arrears, collection of delinquent accounts. Fees shall be charged and collected as indicated for each class of application, permit, filing request or activity listed in Sections 351 through 358 below.

(a) Estimated Construction Costs are as defined by the San Francisco Building Code.

(b) All fees are payable at time of filing application or request, except where noted otherwise. <u>However, the Zoning Administrator may authorize phased collection of the fee for a project whose work is projected to span more than one fiscal year.</u>

(c) Time and Materials - The Department of City Planning shall charge the applicant for any time and materials((,)) cost incurred in excess of the fee paid. The total additional charge

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shall not exceed two times the initial fee paid without providing an estimate of cost, except as provided below:

(1) Where initial fee is based upon two hours or less of staff time, the total additional charges shall not exceed four times the initial fee without providing an estimate of costs.

(2) Applications with verified violations of this Code ((to)) <u>shall</u> be charged time and materials in excess of fee for renotification, investigation and research relating to processing applications, where the applicant has failed to respond fully, and within the time requested, to a notice of incomplete application citing the code violations with direction for their correction, not to exceed five times the amount of the initial fee.

(3) Where a different limitation on time and material charges is set forth elsewhere in this Article, that limitation shall prevail.

(4) The Department of City Planning may also charge for any time and material costs incurred by other departments or agencies of the City and County of San Francisco.

(d) Refunds - When an application is (1) either withdrawn by the applicant, or deemed cancelled by the Department of City Planning due to inactivity on the part of the applicant, and (2) the Zoning Administrator determines that no substantial costs have been incurred by the Department in acting on the application (for example, little time has been expended beyond initial

scoping), then the applicant shall be entitled to a refund of 75 percent of the fee paid to the Department.

(e) Deferred or Reduced Fee

(1) Any fraternal, charitable, benevolent or any other non-profit organization, which organization is exempt from taxation under the Internal Revenue laws of the United States and the Revenue and Taxation Code of the State of California as a bona fide fraternal, charitable, benevolent or other non-profit organization, shall pay fees for applications specified in Sec. 352(a), (((g))), (h), (i), (j), based on time and materials only, up to the full fee, and may defer payment of the fee until (1) before final Department of City Planning approval of the building permit, preparatory to issuance of the building permit, before the building permit is released to the applicant, or (2) within one year of the date of action on the application, whichever comes first; provided that the application is for the development of residential units all of which are affordable to low and moderate income households, as defined in the Guidelines of the United States Housing and Urban Development Department, for a period of 20 years, which exemption shall apply notwithstanding the inclusion in the development of

other non-profit ancillary or accessory uses.

(2) An exemption from paying the full fees specified under Section 352(b) may be granted when the requestor's income is not enough to pay for the fee without affecting their abilities to pay for the necessities of life, provided that the person seeking the exemption demonstrates to the Zoning Administrator that they are substantially affected by the proposed project.

Sec. 351. ADMINISTRATIVE SERVICES.

(a) Agendas for Planning Commission - $19 annual subscription to cover costs of mailing. Planning Commission Secretary may authorize exemptions in those instances where costs would impose financial hardship.

(b) Agendas for Landmarks Preservation Advisory Board - $10 annual subscription to cover costs of mailing.

(((b))) (c) Certification of Copies - $25 per document.

(((c))) (d) Document Retrieval - Actual estimated costs for retrieval and return of files stored off-site per schedule prepared by Director of Planning. No charge is allowed for labor costs incurred in document retrieval, only out-of-pocket expenses paid by the Department.

(((d))) (e) Information, Analysis, Report Preparation and Presentation, Research Services, Data Requests, Site Inspections - The costs of report preparation may be amortized by factoring

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full cost recovery into the pricing of such information and reports((.)) - $36 for first half-hour of staff time, plus time and materials as set forth in Sec.350 (c) 1.

(((e))) (f) Late Charges and Collection of Overdue Accounts - A surcharge of one percent per month shall be added to the fee amount owing the Department for fee accounts in arrears more than 30 days. The Zoning Administrator may call upon other City agencies or duly licensed collection agencies for assistance in collecting delinquent accounts more than six month in arrears, in which case any additional costs of collection may be added to the fee amount outstanding. If the Department seeks the assistance of a duly licensed collection agency, the approval procedures of Administrative Code Article 5, Section 10.39-1 et. seq. will be applicable.

(((f))) (g) Monitoring Projects. - Fee to be collected at the time of building permit issuance, by the Central Permit Bureau.

(1) Authorized projects under Sections 149, 163, 164, 165 and 321 - $5,000 per project.

(2) Monitoring conditions of approval established pursuant to a public hearing by the City Planning Commission or Zoning Administrator for all approved applications in Sec. 352(a) and (j), 353(a) and (b) and 355; - $71 for first hour of staff time plus time and materials as set forth in Sec. 350(c) 1. For monitoring required

subsequent to the time of permit issuance or where no permit is required, the fee will be charged and collected by the Department.

(((g))) (h) Notices of Special Restrictions, review and approval, for recordation in Office of County Recorder - $71.

(((h))) (i) Project Review for Policy and Code Review and Interpretation for Prospective Projects for which an Application has not been Filed, and Site-Specific Design Guidelines and Code-Complying Massing Recommendations - $142 for first two hours of staff time, plus time and materials as set forth in Sec. 350(c) 1.

(((i))) (j) Project Notifications for an Individual or Organization Requesting Notification of Project Applications.

(1) First Address or First Assessor's Block - $25 per annum.

(2) Additional Addresses - $10 for addresses in each new Assessor's Block thereafter, per annum.

(((j))) (k) Zoning Administrator written determinations pursuant to Section 307(a) - $71 minimum for first hour of staff time, plus time and materials as set forth in Sec. 350(c) 1.

(((k))) (l) Zoning Certifications.

(1) Single Family Residence - $50.

(2) Other Uses - $71 for first hour of staff time plus time and materials as set forth in Sec. 350(c) 1.

(m) Reactivating an application that the Zoning Administrator has deemed withdrawn due to inactivity and the passage of time, subject to the approval of the Zoning Administrator and within six

months of the date the application was deemed withdrawn: $1,000 plus time and materials to cover any additional staff costs, total charge not to exceed twice the initial fee paid for the original application without providing an estimate of cost.

(((1))) (n) Responding to Work Requests Requiring Overtime Work: An additional 50% above the normal fee.

Sec. 352. COMMISSION AND ZONING ADMINISTRATOR HEARING APPLICATIONS.

(a) Conditional Use (Sec. 303), Planned Unit Development (Sec.304), Variance (Sec. 305) and Coastal Zone Permit (Sec. 330) Applications.

Estimated Construction Cost	Initial Fee
Less than $10,000	$1,000
$10,000 to $999,999	$1,000 plus .46% of cost over $10,000
$1,000,000 to $4,999,999	$5,516 plus .55% of cost over $1,000,000
$5,000,000 to $9,999,999	$27,670 plus .46% of cost over $5,000,000
$10,000,000 to $19,999,999	$50,476 plus .24% of cost over $10,000,000
$20,000,000 or more	$74,476
No construction cost	$1,000

(1) Applications with Verified Violations of this Code -time and materials as set forth in Sec. 350(c) 2.

(2) Where an applicant requests two or more approvals involving((,)) a conditional use, planned unit development, variance, certificate of appropriateness, permit to alter a significant or contributory building both within and outside of Conservation Districts, or a coastal zone permit review, the amount of the second and each subsequent initial fees shall be reduced to 50% plus time and materials as set forth in Sec.350 (c).

(3) Minor project modifications requiring a public hearing to amend conditions of approval of a previously authorized project, not requiring a substantial reevaluation of the prior authorization - $800 plus time and materials as set forth in Sec.350 (c).

(4) The applicant shall be charged for any time and materials beyond the initial fee paid in Sec. 352(a).

(5) An applicant proposing significant revisions to a project for which an application is on file with the Department of City Planning shall be charged time and materials to cover the full costs in excess of the fee paid, not to exceed three times the original fee without providing an estimate of cost.

(6) For agencies or departments of the City and County of San Francisco, the initial fee for applications shall be based upon the construction cost as set forth above; provided, however, that the initial

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fee shall not exceed the initial fee established for projects with a construction cost of $5,000,000. For those projects with a construction cost of $5,000,000 or more, the agency or department shall be charged for any time and materials beyond the initial fee paid, not to exceed three times the amount of the initial fee.

(b) Discretionary Review Request - $125, provided, however, that a project applicant requesting discretionary review <u>or subject to discretionary review pursuant to policies adopted by the City Planning Commission</u> shall be charged $145 for the first two hours of staff time as set forth in Sec. 350(c) 1.

(c) Institutional Master Plan (Sec. 304.5).

(1) Full Institutional Master Plan or substantial revision - $8,400 for first 100 hours of staff time as set forth in Sec.350 (c).

(2) Abbreviated Institutional Master Plan - $840 for first ten hours of staff time as set forth in Sec. 350(c).

(d) Land Use Amendments and Related Plans and Diagrams of the San Francisco Master Plan - Fee based on the Department's estimated actual costs for time and materials required to review and implement the requested amendment, according to a budget prepared by the Director of Planning, in consultation with the sponsor of the request.

(e) Master Plan Referrals - $214 for first three hours of staff time plus time and materials for each subsequent hour of

staff time. Total charge not to exceed $1,500, without providing an estimate of cost.

(f) Redevelopment Plan Review - the Director of Planning shall prepare a budget to cover actual time and materials expected to be incurred, in consultation with the Redevelopment Agency. A sum equal to one-half the expected cost will be submitted to the Department, prior to the commencement of the review. The remainder of the costs will be due at the time the initial payment is depleted.

(g) Neighborhood Commercial District Regulations, Extension of deadline for applications for compliance (Sec. 179).

(1) Building Permit - $1,545 in addition to fee under Sec. 355(a).

(2) Conditional Use Permit - $985 in addition to fee under Sec. 352(a).

(h) Reclassify Property or Impose Interim Zoning Controls - $3,000 plus ~~$600~~ $60 per additional Assessor's Block or portion thereot.

rlh
7/10/96

(1) The applicant shall be charged for any time and materials as set forth in Sec. 350(c).

(2) Applications with verified violations of this Code - time and materials as set forth in Sec. 350.(c) 2.

(i) Setback Line, establish, modify or abolish - $1500 for each affected block frontage or portion thereof.

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(j) Temporary Use Fees - $71 for first hour of staff time plus time and materials as set forth in Sec. 350 (c).

(k) Hazardous Waste Facility Applications (California Health and Safety Code, Division 20, Chapter 6.5, Article 8.7, commencing with Section 25199).

(1) The fee shall equal the City's actual costs of processing the application in accordance with the California Health and Safety Code, which requires the City to comply with notification requirements; establish, convene and provide staff assistance to a local assessment committee; provide technical assistance grants to the local assessment committee; and present the City's position on the application to the Governor's appeal board in the event of an appeal.

(2) The applicant shall pay an initial fee equal to the estimated actual time and materials costs expected to be incurred in processing the application as required by the California Health and Safety Code and estimated actual costs of technical assistance grants that the City expects to provide to the local assessment committee. The initial fee shall be itemized in a Hazardous Waste Facility Review Budget and Schedule ("Budget" and "Schedule") prepared by the Director of Planning, in consultation with the applicant, and approved by the City Planning Commission; provided,

however, that if the estimated Schedule exceeds one year, then the estimated Budget shall be prepared for the initial twelve-month period only and the estimated Budget for any subsequent twelve-month time period shall be prepared prior to the end of the prior twelve-month period.

(3) The applicant shall pay the initial fee prior to filing the notice of intent required by the State, provided, however, that the Budget and Schedule may authorize payment of the initial fee in up to four equal increments payable periodically over the period of the Schedule, in which case the first installment shall be paid prior to filing the notice of intent.

(4) Where initial payment is insufficient to compensate the actual cost incurred, the Director of Planning shall charge the applicant an additional sum equal to such actual cost after first revising the Budget and Schedule to reflect the additional cost and obtaining the approval of the City Planning Commission.

(5) Fees paid to the Department pursuant to this section shall be deposited with the Treasurer and held by the Controller and expended in accord with the hazardous Waste Review Budget approved pursuant to this Section.

(l) Amendments to Text of the Planning Code - $3,000 plus time and materials as set forth in Sec. 350 (c).

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(m) Determination of Compatibility with Design Guidelines Related to Bernal Heights (Sec. 242(e)6(B) - $125.

(n) Zoning Administrator Conversion Determinations related to Service Station Conversions (Sec.228.4) - $600 plus time and materials as set forth in Sec. 350 (c).

Sec. 353. DOWNTOWN APPLICATIONS.

(a) Exception in C-3 District (Section 309) - One-half the fee for Conditional Use (Sec.352(a), 352(a) 1 et seq.).

(b) Modifications in C-3 District, Determination of Need (Section 309) - same as fee schedule for Conditional Use (Sec.352(a), 352(a) 1 et seq.).

(c) Office Development Limitation Projects (Section 320 through 323) - $15,000 per application.

(d) Transfer of Development Rights and Article 11 Designated Buildings.

(1) Significant or Contributory Building, designation or change of boundary - $670.

(2) Conservation District, designation or change of boundary - $670.

(3) Permit to Alter a Significant or Contributory Building within a designated Conservation District, not deemed minor by the Zoning Administrator - same as for Certificate of Appropriateness (Sec.356(c).

(4) Alteration of a Contributory Building located outside a Conservation District from which no TDR has been

transferred and no issuance of a permit pursuant to Sections IIII through IIII.6 - $25.

(5) Significant or Contributory Building Demolition - $670. This fee shall be in addition to any fee otherwise required for permits to alter or demolish. However, applications to demolish a Contributory Building located outside a Conservatory District from which no TDR has been transferred or a Category V Building in a Conservation District from which no TDR has been transferred are subject only to the demolition fee contained in Sec. 355(b).

(6) Statement of Eligibility - $500.

(7) Certificate of Transfer, Execution - $264.

(8) Certification of Transfer of TDR - $528.

Sec. 354. ENVIRONMENTAL REVIEW. SEE ADMINISTRATIVE CODE, SECTION 31.46A FOR FEES.

Sec. 355. PERMIT APPLICATIONS.

(a) Building Permit Applications for a new building, change in use or alter the exterior of an existing building, to be collected by Central Permit Bureau.

Estimated Construction Cost	Initial Fee
$500 or less	$50
$501 to $1999	$50 plus 10% of cost over $500

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$2000 to $9999	$200 plus 2% of cost over $2000
$10,000 to $99,999	$360 plus .45% of cost over $10,000
$100,000 to $500,000	$765 plus .35% of cost over $100,000
$500,000 to $5,000,000	$2,165 plus .27% of cost over $500,000
$5,000,000 or more	$14,315
No construction cost	$190 plus time and materials in excess of fee paid, total charge not to exceed five times the initial fee, without providing an estimate of cost

Provided, however, that the fees charged for Department of City Planning approval at the Construction Services Center for the replacement of windows and doors shall be reduced to one half the fee set forth above.

(1) Applications with verified violations of this Code - time and materials as set forth in Sec. 350(c) 2.

(2) Back-Check Fee for Permit Revisions - $71 for first hour of staff time plus time and materials as set forth in Sec. 350(c) 1, to be collected at time of permit issuance.

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(3) Substantial Alteration or Demolition of a building which the Zoning Administrator determines to be Historically and/or Architecturally Significant, requiring a Landmarks Preservation Advisory Board review - $285 for the first four hours of staff time plus time and materials for each subsequent hour of staff time, time and materials not to exceed five times the initial fee without providing an estimate of cost.

(4) C-3 (Downtown Commercial) District Notification Fee (Sec. 309) - additional $200.

(5) Shadow Fee for New Construction or Alteration Exceeding 40 Feet in Height (Section 295) - additional $200.

(6) Projects requiring review under special review procedures established by the City Planning Commission pursuant to interim legislation adopted as interim controls pursuant to Section 306.7, during the period of time such controls are in effect, including any extensions - $275 plus time and materials as set forth in Sec. 350(c).

(7) Site Permit applications, to be collected by Central Permit Bureau: Where construction cost is more than $350,000 or more than one addendum is filed, $300 in addition to the normal permit application fee.

(8) Public Notification Fee for projects requiring ((special)) public notice pursuant to Sec. 311

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((policies adopted by the City Planning Commission)) - $40 for first ((half-)) hour of staff time, plus time and materials as set forth in Sec. 350(c) 1.

(9) For projects with a construction cost of $5,000,000 or more, the applicant shall be charged for any time and materials beyond the initial fee paid, not to exceed three times the amount of the initial fee in Sec. 355(a).

(b) Demolition Applications, to be collected by Central Permit Bureau - $400.

(c) Fire, Police and Health Department Permit Applications Review - $45 for first hour of staff time plus time and materials to be collected by the other departments in conjunction with current fee collections, time and materials not to exceed five times the initial fee, without providing an estimate of cost.

(d) Sign Applications, to be collected by Central Permit Bureau - $90.

Sec. 356. PRESERVATION APPLICATIONS (Article 10).

(a) Landmark - $250.

(b) Amendment, Rescission or Designation of historical district - $1,000 plus time and materials in excess of fee paid.

(c) Certificate of Appropriateness

Estimated Construction Cost	Fee
Less than $1,000	$200
$1,000 to $9,999	$400

$10,000 or more	Conditional Use Fee Schedule (Sec. 352(a))

(d) Determination that a building is a compatible rehabilitation or a compatible replacement building, pursuant to Sections 309 or 1109 - Same as for Conditional Use (Sec. 352 (a)).

(e) Processing and administering an application for an historical properties contract under the California Mills Act, California Government Code Sections 50280-50290 - $322 for first four hours of staff time plus time and materials as set forth in Sec. 350(c).

Sec. 357. TRANSPORTATION REVIEW ASSOCIATED WITH PROJECT APPLICATIONS.

(a) Initial transportation assessment to determine whether transportation study is required - $142.

(b) Transportation study - $5,680 plus time and materials as set forth in Sec. 350(a).

Sec. 358. TEMPORARY SURCHARGES ON PLANNING FEES.

(a) For each class of permit, filing or request listed in Sections 351 through 357 ((an 8.5 percent)) a 1.8% surcharge shall be added to the filing fee to enable the Department of City Planning to recover the cost incurred by the Department in developing and implementing the hardware and software systems required to computerize activities associated with the Department's processing of permit applications. This surcharge shall remain in effect through June 30, ((1996)) 1997.

Sec. 359. PERIOD ARTICLE IS OPERATIVE. THIS ARTICLE IS OPERATIVE EFFECTIVE JULY 1, 1991 THROUGH SEPTEMBER 30, ((1996)) 1997. This Article is repealed as of OCTOBER 1, ((1996)) 1997 unless a later enacted ordinance extends the operative period. The Board of Supervisors shall review the appropriateness of extending this Article on an annual basis thereafter.

These amendments to fees related to the Department of City Planning are intended to provide revenues for the ((increased)) staffing and other support necessary to provide more timely processing of applications within that Department.

The City Planning Commission shall conduct public hearings at the end of Fiscal Year 1992-1993, Fiscal Year 1993-1994, Fiscal Year 1994-1995, Fiscal Year 1995-1996, and Fiscal Year ((1995-1996)) 1996-1997 to review the level of service provided by the Department of City Planning in providing improved application processing as contemplated under this ordinance. The Commission shall determine at its public hearing at the end of Fiscal Year ((1995-1996)) 1996-1997 whether to initiate an ordinance to extend or to otherwise modify those amendments to fees related to the Department of City Planning that are contained within this ordinance. The Commission

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///

shall provide a report and appropriate recommendations to the Board of Supervisors within one month of the close of its public hearing.

APPROVED AS TO FORM:

LOUISE H. RENNE
City Attorney

By Judith A. Lapejian
Deputy City Attorney

U:\peg\WP51\Fee9596A.Pln

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cc

Board of Supervisors, San Francisco

Passed for Second Reading	$	Finally Passed
	$	
July 15, 1996	$	July 22, 1996
	$	
	$	
Ayes: Supervisors Alioto Ammiano	$	Ayes: Supervisors Alioto Ammiano
Bierman Brown Hsieh Katz Kaufman	$	Bierman Brown Hsieh Katz Kaufman
Teng Yaki	$	Leal Shelley Teng Yaki
	$	
Absent: Supervisors Leal Shelley	$	

I hereby certify that the foregoing ordinance
was finally passed by the Board of Supervisors
of the City and County of San Francisco

John L. Taylor
Clerk

File No.
115-96-6

JUL 25 1996
Date Approved

Mayor

(Parking Revenue Fund)

AMENDING SECTION 213 OF THE SAN FRANCISCO TRAFFIC CODE, RELATING TO THE ESTABLISHMENT, PURPOSE AND USE OF A PARKING REVENUE FUND TO PROVIDE FOR THE DEPOSIT OF $7,600,000 IN PARKING METER REVENUE INTO THE GENERAL FUND FOR THE FISCAL YEAR 1996-97.

Note: Additions or substitutions are <u>underlined</u>; deletions are indicated by ((double parentheses)).

Be it ordained by the People of the City and County of San Francisco:

Section 1. Section 213 of the San Francisco Traffic Code is hereby amended as follows:

SEC. 213. USE OF PARKING METER AND GARAGE REVENUE -- ESTABLISHMENT OF PARKING REVENUE FUND. (a) Establishment and Purpose of Fund. There is hereby established a special fund in the Treasury of the City and County of San Francisco to be known as the Parking Revenue Fund (referred to hereafter as the "Fund"). Subject to the restrictions provided in this Section, the Fund is hereby established for the purpose of financing the San Francisco off-street parking program and other parking-related projects, including without limitation, (i) capital expenditures for acquisition, construction, completion or leasing of public parking lots, storage space, garages, single- or multi-level structures, and other off-street parking facilities on, under, or above the surface of any property, including public parks, squares, lands,

easements or rights-of way acquired or to be acquired by purchase, lease or condemnation, together with buildings, structures, equipment, approach roads, entrances, exits, fencing, off-street parking meters, and other works, property or structures for the accommodation of automotive vehicles, and necessary or convenient for parking facilities to relieve congestion and facilitate, regulate and control traffic within the City and County of San Francisco; (ii) the payment of the costs of engineering and related studies and surveys; (iii) the payment of the costs, operation and maintenance of parking facilities and related structures hereafter acquired or constructed, including the payment of possessory interest taxes required by any agreement authorized by the Board of Supervisors; (iv) the sole pledge for the servicing of past or future indebtedness incurred by the issuance of bonds or other instruments by or on behalf of the City and County of San Francisco for the acquisition, construction and completion of off-street parking facilities; (v) the sole additional pledge augmenting a pledge of revenue from off-street parking facilities for the servicing of past or future indebtedness incurred by the issuance of revenue bonds or other revenue instruments by or on behalf of the City and County of San Francisco for the acquisition, construction and completion of off-street parking facilities; payment of the costs of engineering and construction of on-street parking bays in parking meter districts within the neighborhood commercial districts by sidewalk narrowing

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after adoption of appropriate legislation by the Board of Supervisors; (vi) payment of the administrative and operating expenses of the Department of Parking and Traffic, the Parking and Traffic Commission and the Parking Authority of the City and County of San Francisco; (vii) payment to the General Fund, for traffic regulation and control, of amounts remaining in said special fund after making provision for the requirements under (i) through (vi) above.

(b) **Deposit of Monies Into the Fund; Segregated Accounts Within Fund.** (i) Monies collected by the Department of Parking and Traffic from on-street parking meters ("Parking Meter Revenue") shall be deposited into the Treasury of the City and County of San Francisco and credited to the Fund in a segregated account known as the "Parking Meter Revenue Account". (ii) All net revenue received from the operation of off-street parking facilities owned or leased by the City or the Parking Authority of the City and County of San Francisco, the purchase or construction of which was financed in whole or in part from the Fund or the Off-Street Parking Fund pursuant to this Section, and those net revenues received from the operation of off-street, metered parking facilities owned by the City and County of San Francisco, shall be collected by the Department of Parking and Traffic, deposited into the Treasury of the City and County of San Francisco and credited to the Fund in a segregated account known as the "Off-Street Parking Revenue Account". To the extent

practicable, all net revenues from off-street parking facilities (including surface parking) operated on City-owned property shall be credited to the Off-Street Parking Revenue Account.

(c) **Use of Monies in Parking Meter Revenue Account.** The use of monies deposited into the Parking Meter Revenue Account pursuant to subsection (b)(i) of this Section, and any and all interest earned thereon, shall be expended, **First**, for the payment in any fiscal year of all principal, interest, premium and all other payments required pursuant to any documents authorizing any indebtedness or obligations issued or created by, or on behalf of, the City and County of San Francisco or the San Francisco Parking Authority in connection with the financing of the construction, acquisition and/or equipping of any off-street parking facilities; **Second**, to the General Fund of the Treasury of the City and County of San Francisco the amount of $1,500,000, to the extent available in any fiscal year from Parking Meter Revenue (except that commencing with fiscal year 1987-88 such amount shall be $3,000,000, and except that commencing with fiscal year 1988-89 such amount shall be $6,000,000, and except that commencing with fiscal year 1992-93 such amount shall be $8,000,000, and except that commencing with fiscal year 1996-97 such amount shall be $7,600,000); and **Third**, for the purposes described in subsection (a) of this Section, if and to the extent available.

(d) **Use of Monies in Off-Street Parking Revenue Account.** The monies deposited into the Off-Street Parking Revenue Account

pursuant to subsection (b)(ii) of this Section, and any and all interest earned thereon, shall be expended for the purposes set forth in subsection (a) of this Section, in any order of priority.

(e) **Definitions.** When used in this Section, the term "net revenues" shall mean, with respect to each facility, all income, revenue, interest earnings and other money of every nature arising out of or in connection with or derived from the ownership, operation or leasing of such facility in such fiscal year less maintenance and operation costs of such facility. The term "maintenance and operation costs" shall mean, with respect to each facility, the reasonable and necessary costs of operation and maintenance, calculated on sound accounting principles, including (among other things) salaries and wages, fees for services, costs of materials, supplies and fuel, reasonable expenses of management, legal fees, accounting fees, repairs and other expenses necessary to maintain and preserve the facility in good repair and working order, and reasonable amounts for administration, overhead, insurance, taxes (if any), and other similar costs, but excluding in all cases (i) depreciation and obsolescence charges or reserves therefor, (ii) amortization of intangibles premiums, discounts, or other bookkeeping entries of a similar nature, (iii) costs of capital additions, replacements, betterments, extensions or improvements to the facility, which under generally accepted accounting principles are chargeable to a

capital account or to a reserve for depreciation, and (iv) amounts paid from sources other than the Fund.

APPROVED AS TO FORM:

LOUISE H. RENNE
City Attorney

By: Linda M. Ross
LINDA M. ROSS
Deputy City Attorney

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CITY LIBRARIAN
Public Library
Documents Department

Board of Supervisors, San Francisco

Passed for Second Reading	$	Finally Passed
	$	
July 15, 1996	$	July 22, 1996
	$	
	$	
Ayes: Supervisors Alioto Ammiano	$	Ayes: Supervisors Alioto Ammiano
Bierman Brown Hsieh Katz Kaufman	$	Bierman Brown Hsieh Katz Kaufman
Teng Yaki	$	Leal Shelley Teng Yaki
	$	
Absent: Supervisors Leal Shelley	$	

I hereby certify that the foregoing ordinance
was finally passed by the Board of Supervisors
of the City and County of San Francisco

John L. Taylor
Clerk

File No.
124-96-5

JUL 25 1996
Date Approved

Mayor

AS AMENDED IN COMMITTEE - 7/11/96

FILE NO. 101-95-71 ORDINANCE NO. 310-96

(Government Funding) RO#95199
SA#85A

APPROPRIATING $57,902,290 OF 1996A CITY HALL IMPROVEMENT BOND FUND PROCEEDS FOR DESIGN AND CONSTRUCTION OF NON-SEISMIC IMPROVEMENTS AT CITY HALL FOR THE DEPARTMENT OF PUBLIC WORKS FOR FISCAL YEAR 1995-96. PLACING A RESERVE OF $43,524,203.

/17/96
ST

Be it ordained by the people of the City and County of San Francisco:

Section 1. Funds are hereby appropriated for FY 1995-1996 as follows:

Department and Number	Source of Funds and Purpose of Appropriation	Amount Debit	Amount Credit
3C-XCF-96A	1995 City Hall Improvement Bond Fund		
DPW-AR	Public Works - Architecture		
Proj. CATCHIMP0000	Master Proj.-City Hall Imprvt.		
800-80111 (DPWAAYCF0355)	Proceeds From Bond Sales	$57,902,290	
Proj.CATCHIMP0001)	Master Proj. -City Hall Improvt.		
060-06700 (DPWAAYCF0355)	Bldg. , Structures & Impr.		$57,902,290
	Total 3C-XCF-96A	$57,902,290	$57,902,290

/17/96
ST

Section 2. Funds in amount $43,524,203 are hereby placed on reserve pending selection of construction contractors and information regarding MBE/WBE status to be released by the Budget Committee.

APPROVED AS TO FORM:
LOUISE H. RENNE, CITY ATTORNEY

BY
DEPUTY CITY ATTORNEY

FUNDS AVAILABLE:
EDWARD M. HARRINGTON
CONTROLLER

BY:

n \excel\budget\90sa85A

BOARD OF SUPERVISORS

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
July 22, 1996	July 29, 1996
Ayes: Supervisors Alioto Ammiano Bierman Brown Hsieh Katz Kaufman Leal Teng Yaki	Ayes: Supervisors Ammiano Bierman Katz Kaufman Leal Shelley Teng Yaki
Absent: Supervisor Shelley	Absent: Supervisors Alioto Brown Hsieh

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No. 101-95-71

JUL 30 1996
Date Approved

Mayor

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FILE NO. 97-96-31

ORDINANCE NO. 311-96

[Memberships - Board of Supervisors]

AMENDING CHAPTER 16, ARTICLE I OF THE SAN FRANCISCO ADMINISTRATIVE CODE BY AMENDING SECTION 16.6-1, TO ADD TO THE LIST OF ORGANIZATIONS IN WHICH THE BOARD OF SUPERVISORS PROVIDES REPRESENTATION FOR THE CITY AND COUNTY OF SAN FRANCISCO, THE URBAN COUNTIES CAUCUS.

Note: Additions are <u>underlined</u>; there are no deletions.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Chapter 16, Article I of the San Francisco Administrative Code is hereby amended by amending Section 16.6-1 thereof, to read as follows:

Section 16.6-1. REPRESENTATION OF CITY AND COUNTY IN CERTAIN ORGANIZATIONS -- BOARD OF SUPERVISORS.

Bay Area Coalition for Transportation.

Black American Political Association of California.

California Clerks of the Board of Supervisors Association.

California Elected Women's Association for Education and Research.

California State Association of Counties.

International City Management Association.

International Institute of Municipal Clerks.

International Society of Wang Users.

Local Government Commission.

Supervisor Kennedy

Municipal Finance Officers Association.

National Association of Counties.

National Association of Telecommunication Officers and Advisors.

National Federation of Local Cable Programmers.

National League of Cities.

National Organization of Black County Officials.

North Coastal Counties Supervisors Association.

<u>Urban Counties Caucus</u>

APPROVED AS TO FORM:

LOUISE H. RENNE, City Attorney

By: Theodore R. Lakey
Theodore R. Lakey
Deputy City Attorney

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cc

Board of Supervisors, San Francisco

Passed for Second Reading	§	Finally Passed
	§	
July 22, 1996	§	July 29, 1996
	§	
	§	
Ayes: Supervisors Alioto Ammiano Bierman Brown Hsieh Katz Kaufman Leal Shelley Yaki	§	Ayes: Supervisors Ammiano Bierman Katz Kaufman Leal Shelley Teng Yaki
	§	
Absent: Supervisor Teng	§	Absent: Supervisors Alioto Brown Hsieh

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No.
97-96-31

JUL 30 1996
Date Approved

Mayor

FILE NO. 93-94-17.5 ORDINANCE NO. 312-96

(Compensation)

AMENDING ORDINANCE NO. 316-94 TO IMPLEMENT THE PROVISIONS OF AN ARBITRATOR'S AWARD AMENDING THE MEMORANDUM OF UNDERSTANDING BETWEEN THE BUILDING INSPECTORS ASSOCIATION AND THE CITY AND COUNTY OF SAN FRANCISCO TO BE EFFECTIVE JULY 1, 1996 THROUGH JUNE 30, 1997.

Be it ordained by the People of the City and County of San Francisco.

Section 1. The Board of Supervisors pursuant to charter section 8.409 et seq. hereby implements the provisions within the Board of Supervisors authority of an arbitrator's award amending the Memorandum of Understanding between the Building Inspectors Association and the City and County of San Francisco to be effective July 1, 1996 through June 30, 1997. The arbitrator's award so implemented is on file in the office of the Board of Supervisors.

APPROVED AS TO FORM

LOUISE H. RENNE
CITY ATTORNEY

DEPUTY CITY ATTORNEY

BOARD OF SUPERVISORS
SUPERVISORS SHELLEY, BIERMAN

Board of Supervisors, San Francisco

Passed for Second Reading	§	Finally Passed
July 29, 1996	§	August 5, 1996
Ayes: Supervisors Ammiano Bierman Brown Katz Kaufman Leal Shelley Teng Yaki	§	Ayes: Supervisors Ammiano Bierman Brown Hsieh Katz Kaufman Teng Yaki
Absent: Supervisors Alioto Hsieh	§	Absent: Supervisors Alioto Leal Shelley

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No. 93-94-17.5

AUG - 8 1996
Date Approved

Mayor

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[PATIENT RATES]

AMENDING PART II, CHAPTER V, OF THE SAN FRANCISCO MUNICIPAL CODE (HEALTH CODE) BY ADDING SECTION 128 TO FIX PATIENT RATES FOR SERVICES FURNISHED BY CITY AND COUNTY INSTITUTIONS, EFFECTIVE RETROACTIVELY TO JULY 1, 1996, AND RESCINDING RESOLUTION NO. 620-95.

Note: This entire section is new.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Part II, Chapter V of the San Francisco Municipal Code (Health Code) is hereby amended by adding Section 128 to read as follows:

SEC. 128 PATIENT RATES. The Board of Supervisors of the City and County of San Francisco does hereby determine and fix the proper reasonable amounts to be charged to persons for services furnished by City and County institutions as follows, which rates shall be effective for services delivered as of July 1, 1996:

TYPE OF SERVICE	UNIT	AMOUNT
SAN FRANCISCO GENERAL HOSPITAL		
Supplies & Drugs	Unit	Special Price List
AMBULANCE SERVICE		
Advance Life Support	Response	568.00
Basic Life Call	Response	315.00
Per Mile	Mile	12.00
Night Call	Call	68.00
Oxygen	Unit	57.00
Non-Transport	Unit	74.00
IN-PATIENT CARE		
Medical Surgical	Day	962.00

Intensive Care	Day	2,275.00
Coronary Care	Day	2,165.00
Chest-Pulmonary	Day	2,202.00
Stepdown Units	Day	1,484.00
Pediatrics	Day	962.00
Obstetrics	Day	962.00
Nursery - Well Baby	Day	584.00
Observation	Day	962.00
Semi-Intensive Care	Day	1,321.00
Intensive Care	Day	1,908.00
Labor/Delivery - 6G	Day	962.00
Labor/Delivery Hours of Stay	Hour	55.00
Psychiatric Inpatient	Day	998.00
Psychiatric Forensic Inpatient - 7L	Day	998.00
AIDS Unit 5-A	Day	962.00
Security Unit - 7D	Day	962.00
Skilled Nursing Facility	Day	415.00
SURGICAL SERVICES		
Minor Surgery Pre-Op Holding Room	Room	124.00
Minor Surgery I (Come & Go)	1/4 Hour	177.00
	1/2 Hour	352.00
	3/4 Hour	529.00
	Full 1 Hour	704.00
	Ea. Add'l 1/4 Hr	177.00
Minor Surgery II	1st Hour	763.00

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	Ea. Add'l 1/4 Hr	381.00
Major Surgery Pre-Op Holding	Room	124.00
Major Surgery I	1st Hour	1,138.00
	Add'l 1/2 Hour	397.00
Major Surgery II	1st Hour	1,284.00
	Add'l 1/2 Hour	410.00
Major Surgery III	1st Hour	1,430.00
	Add'l 1/2 Hour	529.00
Extraordinary Surgery	1st Hour	1,614.00
	Add'l 1/2 Hour	587.00
Surgery (2 Teams)	Procedure	2,236.00
	Add'l 1/2 Hour	751.00
Surgery (3 Teams)	Procedure	2,900.00
	Add'l 1/2 Hour	976.00
Recovery Room	1st Hour	440.00
	2nd Add'l Hour	105.00
	3rd Add'l Hour	66.00
Anesthesia	First 1/2 Hour	349.00
	Add'l Minute	11.00
Argon Laser Treatment	Procedure	1,154.00
Therapeutic Abortion	Procedure	190.00
EMERGENCY CLINIC		
Level I	Room	70.00
Level II	Room	95.00
Level III	Room	120.00

Level IV	Room	222.00
Level V	Room	507.00
Level VI	Room	1,204.00
Non-Critical Observation	0-2 Hours	70.00
	2-4 Hours	203.00
	4-6 Hours	349.00
Critical Observation	0-2 Hours	203.00
	2-4 Hours	406.00
	4-6 Hours	602.00
Resuscitation		1,204.00
GENERAL CLINIC		
Initial		
Brief Exam	Visit	67.00
Initial Intermediate	Visit	113.00
Initial Comprehensive	Visit	235.00
Targeted Case Management	Visit	135.00
Established Patient		
Brief Exam	Visit	44.00
Initial Intermediate	Visit	67.00
Initial Comprehensive	Visit	158.00
Use of Exam Room	Room	32.00
LAGUNA HONDA HOSPITAL		
Regular Hospital Rates		
Acute	Day	875.00
Rehabilitation	Day	875.00

Skilled Nursing Facility	Day	250.00
All Inclusive Rates		
Acute	Per Diem	1,100.00
Rehabilitation	Per Diem	1,100.00
Skilled Nursing Facility	Day	290.00
COMMUNITY MENTAL HEALTH SERVICES		
24-Hour Service		
Inpatient	24 Hours	850.00
Skilled Nursing	24 Hours	415.00
Crisis Residential	24 Hours	250.00
Residential	24 Hours	125.00
Day Services		
Rehabilitation	Full Day	110.00
Intensive	Full Day	190.00
Intensive (children)	Half Day	200.00
Crisis Socialization	Hour	50.00
Crisis Stabilization	Hour	80.00
Outpatient Services		
Case Management Brokerage	Hour	100.00
Mental Health Services	Hour	150.00
Medication Support	Half Hour	120.00
Crisis Intervention	Hour	375.00
COMMUNITY SUBSTANCE ABUSE		
Residential - Detoxification	24 Hours	70.00
Residential	24 Hours	81.00

Recovery Home	24 Hours	70.00
Therapeutic Community	24 Hours	70.00
Outpatient (Include Detox)	Per Contract	108.00
Methadone Treatment	Hour	26.00
Naltrexone Treatment	Per Contract	45.00
Prevention/Intervention	Hour	25.00
Day Care - Habilitative	Per Contract	108.00
PUBLIC HEALTH		
PRIMARY CARE		
Initial		
Comprehensive Exam	Visit	175.00
Extended Exam	Visit	125.00
Intermediate Exam	Visit	95.00
Limited Exam	Visit	65.00
Targeted Case Management	Visit	135.00
Established Patient		
Comprehensive Exam	Visit	150.00
Extended Exam	Visit	75.00
Intermediate Exam	Visit	50.00
Limited Exam	Visit	35.00
DENTAL SERVICES		
Initial Complete Exam	Visit	35.00
Periodic Exam	Visit	35.00
Prophylaxis - Adult	Visit	50.00

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FILE NO._____ ORDINANCE NO._____

Prophylaxis - Child	Visit	45.00
Extract Single Tooth	Visit	70.00
One Surface, Permanent Tooth	Visit	65.00
HOME HEALTH SERVICES		
Skilled Nursing	Visit	147.00
Home Health Aide Services	Visit	79.00
Medical Social Services	Visit	203.00
Physical Therapy	Visit	141.00
Occupational Therapy	Visit	141.00
Speech Therapy	Visit	145.00

Section 2. Resolution No. 620-95 is rescinded

Approved as to Form

Louise H. Renne, City Attorney

BY _____

Deputy City Attorney

_____

Health Commission

_____

Sandra Hernández, M.D

Director of Health

Board of Supervisors, San Francisco

Passed for Second Reading

July 29, 1996

Ayes: Supervisors Ammiano Bierman Brown Katz Kaufman Leal Shelley Teng Yaki

Absent: Supervisors Alioto Hsieh

Finally Passed

August 5, 1996

Ayes: Supervisors Ammiano Bierman Brown Hsieh Katz Kaufman Teng Yaki

Absent: Supervisors Alioto Leal Shelley

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

_____

Clerk

File No.
30-95-11.2

AUG - 8 1996

Date Approved

_____

Mayor

FILE NO. 93-95-52.1 ORDINANCE NO. 314-96

(Memorandum of Understanding)

AMENDING ORDINANCE NO. 21-96 TO IMPLEMENT AN AMENDMENT TO THE PROVISIONS OF A MEMORANDUM OF UNDERSTANDING BETWEEN THE FREIGHT CHECKERS, CLERICAL EMPLOYEES & HELPERS, LOCAL 856 AND THE CITY AND COUNTY OF SAN FRANCISCO FOR BARGAINING UNIT 11B, SUPERVISING REGISTERED NURSES, EFFECTIVE JULY 1, 1996 THROUGH JUNE 30, 1997.

Be it ordained by the People of the City and County of San Francisco.

Section 1. The Board of Supervisors hereby implements the provisions within its charter authority of an amendment to the Memorandum of Understanding between the Freight Checkers, Clerical Employees & Helpers, Local 856 and the City and County of San Francisco for bargaining unit 11B, Supervising Registered Nurses, to be effective July 1, 1996 through June 30, 1997. The provisions so implemented are on file in the office of the Board of Supervisors.

APPROVED AS TO FORM

LOUISE H. RENNE
CITY ATTORNEY

DEPUTY CITY ATTORNEY

BOARD OF SUPERVISORS

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
July 29, 1996	August 5, 1996
Ayes: Supervisors Ammiano Bierman Brown Katz Kaufman Leal Shelley Teng Yaki	Ayes: Supervisors Ammiano Bierman Brown Hsieh Katz Kaufman Teng Yaki
Absent: Supervisors Alioto Hsieh	Absent: Supervisors Alioto Leal Shelley

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No. 93-95-52.1

AUG - 8 1996
Date Approved

Mayor

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As amended in Committee
July 23, 1996.

FILE NO. 27-96-7 ORDINANCE NO. 315-96

(Airport-Lease Modifications)

mlr
7/23

APPROVING retroactively MODIFICATION NO 8 OF LEASE AND USE AGREEMENT BETWEEN USAIR, INC. AND CITY AND COUNTY OF SAN FRANCISCO, ACTING BY AND THROUGH ITS AIRPORTS COMMISSION.

Be it ordained by the People of the City and County of San Francisco.

Section 1. Pursuant to Section 7.402-1 of the Charter, the Board of Supervisors hereby approves retroactively Modification No. 8 of the Lease and Use Agreement between USAir, Inc. and the City and County of San Francisco, acting by and through its Airports Commission, copies of which Modification are contained in Board of Supervisors' file number 27-96-7

APPROVED AS TO FORM:

LOUISE H RENNE
City Attorney

By Adrienne Go
Deputy City Attorney

BOARD OF SUPERVISORS

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
July 29, 1996	August 5, 1996
Ayes: Supervisors Ammiano Bierman Brown Katz Kaufman Leal Shelley Teng Yaki	Ayes: Supervisors Ammiano Bierman Brown Hsieh Katz Kaufman Teng Yaki
Absent: Supervisors Alioto Hsieh	Absent: Supervisors Alioto Leal Shelley

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No.
27-96-7

AUG - 8 1996
Date Approved

Mayor

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July 23, 1996.

FILE NO. 27-96-8 ORDINANCE NO. 316-96

APPROVING EARLY TERMINATION OF LEASE NOS. PUC 21391 AND 21968 BETWEEN CONTINENTAL AIRLINES, INC. AND CITY AND COUNTY OF SAN FRANCISCO, ACTING BY AND THROUGH ITS AIRPORTS COMMISSION, PROVIDING FOR RATIFICATION OF ACTIONS PREVIOUSLY TAKEN.

mlr 7/23

Be it ordained by the People of the City and County of San Francisco:

Section 1. The Board of Supervisors hereby approves the early termination of Lease Nos. 21391 and 21968 between Continental Airlines, Inc. and the City and County of San Francisco, acting by and through its Airports Commission, copies of which termination are contained in Board of Supervisors' file number 27-96-8. Such approval is granted pursuant to former Charter Section 7.402-1 of the 1932 Charter, converted to ordinance form pursuant to Section 18.103 of the 1996 Charter.

Section 2. Although the City has not incurred any legal obligation, the Board of Supervisors does hereby ratify the actions previously taken.

mlr 7/23

APPROVED AS TO FORM:

LOUISE H. RENNE
City Attorney

By Anne Gu
Deputy City Attorney

BOARD OF SUPERVISORS

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
July 29, 1996	August 5, 1996
Ayes: Supervisors Ammiano Bierman Brown Katz Kaufman Leal Shelley Teng Yaki	Ayes: Supervisors Ammiano Bierman Brown Hsieh Katz Kaufman Teng Yaki
Absent: Supervisors Alioto Hsieh	Absent: Supervisors Alioto Leal Shelley

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John L. Taylor
Clerk

File No. 27-96-8

AUG - 8 1996
Date Approved

Mayor

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AUG 20 1996

[Chief Administrative Officer]

AMENDING THE SAN FRANCISCO ADMINISTRATIVE CODE BY AMENDING SECTIONS 5.40, 5.60 AND 11.32 THEREOF, RELATING TO FUNCTIONS AND DUTIES OF THE CHIEF ADMINISTRATIVE OFFICER, TO CONFORM TO THE PROVISIONS OF THE CHARTER OF 1996.

Note: Additions or substitutions are indicated by underlining; deletions are indicated by ((double parentheses)).

Be it ordained by the People of the City and County of San Francisco:

Section 1. The San Francisco Administrative Code is hereby amended, by amending Section 5.40 to read as follows:

SEC. 5.40. TASK FORCE ON NOISE CONTROL – CREATED.

There is hereby created a Task Force on Noise Control composed of the department heads, or their designated deputies, of the following departments of the City and County of San Francisco: Public Works, Public Health, City Planning, Public Utilities, Police, Fire and Airports; and 15 persons to be appointed by the Board of Supervisors, four of whom ((shall be recommended by the Chief Administrative Officer, and)) shall be of related technical fields. The remaining 11 appointees shall be broadly representative of neighborhood, environmental, labor, business and construction, health, educational, and planning organizations of the community. With the exception of the aforementioned departmental heads or their designated deputies and

the four appointees from related technical fields, the members of the Task Force on Noise Control shall be residents of the City and County of San Francisco at the time of their appointment and during their incumbency in office as members of said task force. The task force shall appoint a chair from among its members who are not department heads or their designated deputies

The Task Force on Noise Control is hereby assigned the following purposes and functions:

(a) To perform liaison functions among branches of city government, independent authorities, and state and federal agencies operating within the City and County, and between City and County government and the business community; and to recommend means for cooperation between public agencies and private enterprise to make San Francisco a quieter city;

(b) To undertake a comprehensive survey of noise in the City and County, including City and County-owned fixed sources and the investigation of existing acoustical levels in various areas of the City and County; the determination of major sources of noise; establishing cumulative and temporal noise characteristics from multiple sources; determining the contribution of major noise sources to the total noise level; and investigating the influence of architectural forms such as site utilization, choice of materials, and building shape on noise levels;

(c) To maintain supervision of noise conditions in the City and County by setting up a continuous monitoring system to provide noise indices for various sections of the City and County; receiving, analyzing, and preparing a regular summary of public complaints, both

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specific and general; encouraging public interest and participation in the development of effective noise abatement programs and considering establishment of an inspection system with a staff of trained inspectors in the use of noise measuring instruments and noise data for the purpose of responding to public complaints, checking City and County and private machines and vehicles; and otherwise assisting in establishment of procedures for the enforcement of the regulations controlling noise; and

(d) To submit, on a date 24 months after the effective date of this Section, a report of its findings and its recommendations pertaining to:

(1) Kinds of leadership, including legislative action, which the City and County should provide in ridding the City and County of noise problems,

(2) Standards by which noise limits may be set, regulations may be developed, and controls may be enforced throughout the City and County,

(3) Means for preventing new noise sources, including methods whereby the City and County administration must use its purchasing power to insure that new equipment and replacements that it buys for its own use incorporate noise control features, and

(4) Means for effective acoustical designs to be adopted in public and private development.

The Task Force on Noise Control shall seek funds from public and private agencies to carry out its functions, including staffing and research.

The Task Force on Noise Control shall cease to exist on a date 24-months and one day after the effective date of this Section, unless its life is extended by resolution of the Board of Supervisors.

Section 2. The San Francisco Administrative Code is hereby amended, by amending Section 5.60 to read as follows:

SEC. 5.60. STREET UTILITIES COORDINATING COMMITTEE.

There is hereby established a committee to be known as the Street Utilities Coordinating Committee consisting of the Director of Public Works, who is to act as chair; a representative from the Department of City Planning; a representative from the Citizens Advisory Committee to the Street Utilities Coordinating Committee who shall be selected by the Advisory Committee ((Chief Administrative Officer of the City and County)) from those members of the above committee representing citizen input only and not from any utility or city department; and one senior management representative from each of the following: San Francisco Water Department; Hetch Hetchy Water and Power System; San Francisco Police Department; Pacific Gas and Electric Company, Gas Division; Pacific Gas and Electric Company, Electric Division; Pacific Telephone Co.; Western Union; and Television Signal Corporation.

Section 3. The San Francisco Administrative Code is hereby amended, by amending Section 11.32 to read as follows:

SEC. 11.32. PERMITS AND CONSTRUCTION.

(a) Within 30 days after acceptance of any franchise, the grantee shall proceed with due diligence to obtain all necessary permits and authorizations which are required in the conduct of its business, including, but not limited to, any utility joint use attachment agreements, microwave carrier licenses, and any other permits, licenses and authorizations to be granted by duly constituted regulatory agencies having jurisdiction over the operation of cable television systems, or associated microwave transmission facilities.

In connection therewith, copies of all petitions, applications and communications—submitted by the grantee to the Federal Communications Commission, Securities and Exchange Commission, or any other federal or state regulatory commission or agency having jurisdiction in respect to any matters affecting grantee's cable television operations shall also be submitted simultaneously to the Director of Telecommunications and Information Services ((Chief Administrative Officer)).

(b) Within 90 days after obtaining all necessary permits, licenses and authorizations, including right of access to poles and conduits, grantee shall commence construction and installation of the cable television system.

(c) Within 180 days after the commencement of construction and installation of the system, grantee shall proceed to render service to subscribers, and the completion of the installation and construction shall be pursued with reasonable diligence thereafter, so that service to all of the areas designated and scheduled on the map and plan of construction made part of the franchise shall be provided as set forth therein.

(d) Failure on the part of the grantee to commence and diligently pursue each of the foregoing requirements and to complete each of the matters set forth herein shall be grounds for termination of such franchise. By resolution, the Board, in its discretion, may extend the time for the commencement and completion of installation and construction for additional periods in the event the grantee, acting in good faith, experiences delays by reason of circumstances beyond his or her control.

By acceptance of the franchise granted hereunder, grantee agrees that failure to comply with any time requirements referred to in Subsections (a), (b) and (c) of this Section will result in damage to the City and County, and that it is and will be impracticable to determine the actual amount of such damage in the event of delay; and grantee therefore agrees that, in addition to any other damage suffered by City and County, it will pay to City and County the sum of $100 per day for each and every day's delay beyond the time prescribed, plus authorized extensions thereof, for completion of any of the acts required to be done by this Section.

(e) Grantee shall utilize existing poles, conduits, and other facilities whenever possible, and shall not construct or install any new, different, or additional poles, conduits, or other facilities whether on public property or on privately-owned property unless and until first securing the written approval of the Director of Public Works ((Chief Administrative Officer)).

Whenever grantee shall not utilize existing poles, conduits and other facilities, or whenever existing conduits and other facilities shall be located beneath the surface of the streets, or whenever the City and County shall undertake a program designed to cause all conduits and other facilities to be located beneath the surface of the streets in any area or throughout the City

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and County, in the exercise of its police power or pursuant to the terms hereof, upon reasonable notice to grantee, any such conduits or other facilities of grantee shall be constructed, installed, placed, or replaced beneath the surface of the streets. Any construction, installation, placement, replacement, or changes which may be so required shall be made at the expense of grantee, whose costs shall be determined as in the case of public utilities.

(f) The City and County shall have the right, free of charge, to make additional use, for any public or municipal purpose, whether governmental or proprietary, of any poles, conduits, or other similar facilities erected, controlled, or maintained exclusively by or for grantee in any street, provided such use by City and County does not interfere with the use by grantee.

(g) In those areas of the City and County where the transmission or distribution facilities of the respective public utilities providing telephone, communication and electric services are underground, or hereafter are placed underground, the grantee likewise shall construct, operate and maintain all of its transmission and distribution facilities underground. The term "underground" shall include a partial underground system; provided, that upon obtaining the written approval of the Director of Public Works ((Chief Administrative Officer)), amplifiers in the grantee's transmission and distribution lines may be placed in appropriate housing upon the surface of the ground.

(h) The grantee, at his own expense, shall protect, support, temporarily disconnect, relocate, or remove any property of grantee when, in the opinion of the Director of Public Works ((Chief Administrative Officer)) the same is required by reason of traffic conditions, public safety, street vacation, freeway or street construction, change or establishment of street

grade, installation of sewers, drains, waterpipes, power line, signal line, transportation facilities, tracks, or any other types of structure or improvements by governmental agencies, whether acting in a governmental or proprietary capacity; or any other structure or public improvement, including but not limited to movement of buildings, urban renewal and redevelopment, and any general program under which the City and County shall undertake to cause all such properties to be located beneath the surface of the ground. The grantee shall in all cases have the privilege, subject to the corresponding obligations, to abandon any property of grantee in place, as herein provided. Nothing hereunder shall be deemed a taking of the property of grantee, and grantee shall be entitled to no surcharge by reason of anything hereunder.

(i) Upon the failure, refusal, or neglect of grantee to cause any work or other act required by law or hereunder to be properly completed in, on, over, or under any street within any time prescribed therefor, or upon notice given, where no time is prescribed, the Director of Public Works ((Chief Administrative Officer)) may cause such work or other act to be completed in whole or in part, and upon so doing shall submit to grantee an itemized statement of the costs thereof. The grantee shall, within 30 days after receipt of such statement, pay to the City and County the entire amount thereof.

(j) In the event that,

(1) The use of any part of the system of grantee is discontinued for any reason for a continuous period of 30 days, without prior written notice to and approval by the City and County; or

(2) Any part of such system has been installed in any street or other area without complying with the requirements hereof; or

(3) Any franchise shall be terminated, canceled, or shall expire, then the grantee shall, at the option of the City and County, and at the expense of grantee and at no expense to the City and County, and upon demand of the City and County, promptly remove from any streets or other area all property of grantee, and grantee shall promptly restore the street or other area from which such property has been removed to such condition as the Director of Public Works ((Chief Administrative Officer)) shall approve.

The Board may, upon written application therefor by grantee, approve the abandonment of any of such property in place by grantee and under such terms and conditions as the Board may prescribe. Upon abandonment of any such property in place, grantee shall cause to be executed, acknowledged, and delivered to the City and County such instruments as the City Attorney shall prescribe and approve, transferring and conveying the ownership of such property to the City and County.

APPROVED AS TO FORM:

LOUISE H. RENNE, City Attorney

By _____
THOMAS J. OWEN
Deputy City Attorney

(07/23/96)

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
July 29, 1996	August 5, 1996
Ayes: Supervisors Ammiano Bierman Brown Katz Kaufman Leal Shelley Tong Yaki	Ayes: Supervisors Ammiano Bierman Brown Hsieh Katz Kaufman Teng Yaki
Absent: Supervisors Alioto Hsieh	Absent: Supervisors Alioto Leal Shelley

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

_____
Clerk

File No. 97-96-19.3

AUG - 8 1996
Date Approved

_____
Mayor

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FILE NO. 97-95-38 ORDINANCE NO. 318-96

[Pest Detection and Trapping]

AMENDING CHAPTER 1 OF THE SAN FRANCISCO ADMINISTRATIVE CODE BY ADDING SECTION 1.13-9 THERETO TO AUTHORIZE PRESIDENT OF THE BOARD OF SUPERVISORS OR HIS OR HER DESIGNEE TO EXECUTE AN ANNUAL CONTRACT BETWEEN CITY AND COUNTY OF SAN FRANCISCO AND THE CALIFORNIA DEPARTMENT OF FOOD AND AGRICULTURE FOR EXOTIC PEST DETECTION AND TRAPPING.

Note: This Section is entirely new.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The San Francisco Administrative Code is hereby amended by adding Section 1.13-9 thereto, to read as follows:

SEC. 1.13-9. **PEST DETECTION AND TRAPPING.** The President of the Board of Supervisors or his or her designee is hereby authorized to execute an annual contract between the City and County of San Francisco and the California Department of Food and Agriculture to authorize the City's Department of Agriculture to perform exotic pest detection and trapping on behalf of the State of California.

APPROVED AS TO FORM:

LOUISE H. RENNE
City Attorney

By: Leslie Dates
Deputy City Attorney

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
July 29, 1996	August 5, 1996
Ayes: Supervisors Ammiano Bierman Brown Katz Kaufman Leal Shelley Teng Yaki	Ayes: Supervisors Ammiano Bierman Brown Hsieh Katz Kaufman Teng Yaki
Absent: Supervisors Alioto Hsieh	Absent: Supervisors Alioto Leal Shelley

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John Taylor
Clerk

File No. 97-96-38

AUG - 8 1996
Date Approved

Mayor

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As amended in Committee 7/24/96.

cc

FILE NO. 97-96-40

ORDINANCE NO. 319-96

7/24/96 BST

[Human Services Membership]

AMENDING THE SAN FRANCISCO ADMINISTRATIVE CODE BY AMENDING SECTION 16.6-11 RELATING TO DEPARTMENT OF HUMAN SERVICES MEMBERSHIP ADDING ~~IN THE~~ CHILD WELFARE LEAGUE OF AMERICA, AND DELETING CALIFORNIA CONFERENCE OF SOCIAL WELFARE, AND NATIONAL CONFERENCE OF SOCIAL WORK.

Note: Additions are underlined; deletions are in ((double parentheses)).

Be it ordained by the People of the City and County of San Francisco:

Section 1. The San Francisco Administrative Code is hereby amended by amending Section 16.6-11, to read as follows:

SEC. 16.6-11. REPRESENTATION OF CITY AND COUNTY IN CERTAIN ORGANIZATIONS--((SOCIAL)) HUMAN SERVICES.

American Public Welfare Association.

Child Welfare League of America.

((California Conference of Social Welfare.))

((National Conference of Social Work.))

County Welfare Directors Association of California.

San Francisco Chamber of Commerce.

APPROVED AS TO FORM:

LOUISE H. RENNE, City Attorney

By: Virginia Dario Elizondo
Deputy City Attorney

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
July 29, 1996	August 5, 1996
Ayes: Supervisors Ammiano Bierman Brown Katz Kaufman Leal Shelley Teng Yaki	Ayes: Supervisors Ammiano Bierman Brown Hsieh Katz Kaufman Teng Yaki
Absent: Supervisors Alioto Hsieh	Absent: Supervisors Alioto Leal Shelley

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John L. Taylor
Clerk

File No. 97-96-40

AUG - 8 1996
Date Approved

Mayor

BOARD OF SUPERVISORS
H:\HEALTH\DPH\DSS\RESLORD\MBRSHP ORD

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FILE NO. 97-96-42 ORDINANCE NO. 320-96

[Former Charter Provisions]

AMENDING THE SAN FRANCISCO ADMINISTRATIVE CODE BY ADDING SECTIONS 2.6-4, 2.6-5, 2A.70, 2.6-6, 2A.51, 2A.75, 2A.76, 2A.77, 2A.78, 2A.79, 2A.80, 2A.81, 2A.90, 2A.91, 2A.92, 2A.93, 2A.94, 2A.95 AND 2A.96, TO CODIFY SECTIONS 2.203, 2.203-3, 3.402, 3.502, 3.529, 3.531, 3.533, 3.534, 3.535, 3.537, 3.538, 3.539, 3.540, 3.541, 3.542, 3.543, 3.544, 3.545 AND 3.546 OF THE 1932 CHARTER, RESPECTIVELY, AND MAKE NECESSARY CHANGES TO CONFORM TO THE 1996 CHARTER; ADDING SECTION 2A.76, RELATING TO THE CREATION OF NEW RANKS IN THE POLICE DEPARTMENT; AND REPEALING FORMER CHARTER SECTION 3.301, RELATING TO THE POWERS OF THE CONTROLLER, FORMER CHARTER SECTION 3.523, RELATING TO CONSULTANTS TO THE PLANNING COMMISSION, AND FORMER CHARTER SECTION 3.547, RELATING TO REMOVAL OF STRUCTURES DURING A CONFLAGRATION.

Note: All provisions are new; changes from text of the 1932 Charter as amended are indicated by underlining for additions or substitutions, and by ((double parentheses)) for deletions.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The San Francisco Administrative Code is hereby amended by adding section 2.6-4 to read as follows:

SEC. 2.6-4. CLERK OF THE BOARD OF SUPERVISORS.

((Subject to the civil service provisions of this charter, the board of supervisors shall appoint a clerk, who shall be designated as clerk of the board of supervisors.)) The clerk of the board of supervisors shall, ex-officio, be clerk of the board of equalization. ((The clerk shall have charge of the office and records of the board and its committees, and the personnel employed to handle the business, affairs and operation of the board, its committees and members when engaged in official duty. The clerk shall be the appointing officer for such personnel, subject to the civil service provisions of this charter. The clerk shall keep a journal of proceedings of the board and files of all ordinances and resolutions and properly index the same. He shall be responsible for the publication, as required by law, of ordinances, resolutions and other matters acted on by the board for which publication is specified. He shall have such other duties and responsibilities as the board shall prescribe.))

Section 2. The San Francisco Administrative Code is hereby amended by adding section 2.6-5 to read as follows:

SEC. 2.6-5. STAFF ((ADMINISTRATIVE)) ASSISTANTS TO MEMBERS OF THE BOARD OF SUPERVISORS.

((Notwithstanding any other provisions or limitations of this charter, specifically Section 8.300, there may be one administrative assistant)) There shall be two staff members for each member of the board of supervisors, who shall be appointed by the

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supervisor ((member)) and shall serve at the supervisor's ((member's)) pleasure. These staff members ((individuals)) shall be responsible for such duties and responsibilities as the supervisor ((member)) shall prescribe.

Section 3. Former Charter section 3.301, converted to ordinance by section 18.103 of the Charter, is hereby repealed.

((SEC. 3.301. GENERAL POWERS AND DUTIES.

The controller shall have the powers and duties of a county auditor, except as in this charter otherwise provided. He shall be the auditor and chief accounting officer of the city and county, and shall exercise general supervision over the accounts of all officers, commissions, boards and employees of the city and county charged in any manner with the receipt, collection or disbursement of city and county funds or of other funds, in their capacity as city and county officials or employees. He shall have the power and duty of prescribing the method of installing, keeping and rendering accounts of, and the financial reports to be rendered by, the several officers, boards and employees of the city.

The controller shall keep accounts showing the financial transactions of all departments, offices and other subdivisions of the city and county. Such accounts and the accounting procedure shall be adequate to record:

(a) all budgeted revenues and appropriations, together with additions or transfers thereto, and to show at all times the amount of encumbrances, expenditures or transfers therefrom, and the balances therein;

(b) all revenues accrued and liabilities incurred;

(c) all cash receipts and disbursements; and

(d) in general, all transactions affecting the acquisition, custody or disposition of values.

It shall be the duty of the controller to determine, where practicable, the unit cost of work done by the city and county for the purpose of determining whether similar work could be done under public contract at a lower cost. The controller shall devise adequate systems of internal check of all departments and offices of the city and county relative to the custody, collection or disbursements of moneys.))

Section 4. The San Francisco Administrative Code is hereby amended by adding section 2A.70 to read as follows:

SEC. 2A.70. DISTRICT ATTORNEY.

((The district attorney shall be an elective officer. He shall furnish an official bond in the sum of $10,000. He must, at the time of his election, be qualified to practice in all the courts of this state and must have been so qualified for at least five years next preceding his election. He shall appoint, and at his pleasure may remove, all assistants and employees in his office.

The district attorney, either in person or by his assistants, shall prosecute all criminal cases in the municipal and superior courts, draw all complaints, and issue

warrants for the arrest of persons charged with crime who are to be prosecuted in such courts.))

Any amount required by the district attorney from time to time from the district attorney's special fund shall be requisitioned by the district attorney, stating the general purpose for which required, whereupon the controller shall draw his warrant therefor and the claim be paid as provided for payment of other warrants by the treasurer. All such sums may be used by the district attorney solely as provided by general law and the district attorney ((he)) shall file vouchers with the controller at the end of each fiscal year showing what disposition the district attorney ((he)) has made of any moneys received ((by him)) from such fund and the particular purpose for which it was disbursed, provided that, if a criminal proceeding be pending or under investigation, vouchers for moneys disbursed in such proceeding or investigation ((,)) need not be filed until the trial of the criminal proceeding be ended or the investigation concluded. No portion of the fund shall be used for compensation or remuneration of full time assistants or employees.

There shall be a warrant and bond office. The district attorney shall appoint an assistant to have charge of the warrant and bond office to be designated warrant and bond deputy, and such additional assistants and clerks as may be provided by the budget and appropriation ordinances. No person shall be appointed warrant and bond deputy who is not at the time of his or her appointment qualified to practice law in all the courts of this state. The warrant and bond deputy shall keep his or her office open continuously night and day for the transaction of business; the warrant and bond deputy ((he)) shall

draw and approve with his or her signature all complaints and warrants in criminal actions to be prosecuted in the municipal courts and any inferior court established by law in this city and county and possessing criminal jurisdiction; the warrant and bond deputy ((he)) shall have custody of all bail bonds and appeal bonds taken in such courts.

The warrant and bond deputy may issue bail bonds and appeal bonds and order the discharge from custody of the persons for whom such bonds are approved by a magistrate. The warrant and bond deputy ((He)) may fix cash bail in misdemeanor cases where arrests are made without warrants and may take cash bail in all cases arising in the municipal court and any inferior court established by law in this city and county and possessing criminal jurisdiction, and may order the discharge from custody of the persons for whom cash bail is deposited with the warrant and bond deputy ((him)).

In the matter of fixing bail and ordering the release of prisoners the warrant and bond deputy shall be subject to the judges of the municipal court and the judges of any court in the city and county empowered by law to act as magistrates.

Section 5. The San Francisco Administrative Code is hereby amended by adding section 2.6-6 to read as follows:

SEC. 2.6-6. CONTRACTUAL AUTHORITY LIMITATION.

((Notwithstanding any other provisions of this charter, contracts)) Contracts, including leases, entered into by a department, board or commission having anticipated revenue to the city and county of one million dollars or more, or the modification,

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amendment or termination of any contract which when entered into had anticipated revenues of one million dollars or more, shall be subject to approval of the board of supervisors by resolution.

((Notwithstanding any other provisions of this charter, and with)) With the exception of construction contracts entered into by the city and county, any other contracts or agreements, including leases, entered into by a department, board or commission having a term in excess of ten years, or requiring anticipated expenditures by the city and county of ten million dollars, or the modification or amendment to such contract or agreement having an impact of more than $500,000 shall be subject to approval of the board of supervisors by resolution.

Section 6. Former Charter section 3.523, converted to ordinance by section 18.103 of the Charter, is hereby repealed.

((SEC. 3.523. SECRETARY OF COMMISSION; CONSULTANTS.

The city planning commission may appoint a secretary, which appointment shall not be subject to the civil service provisions of this charter. Subject to the provisions of Sections 6.302, 6.312 and 6.313 of this charter, the commission may also contract with architects, city planners, engineers, or other consultants for such services as it may require.))

Section 7. The San Francisco Administrative Code is hereby amended by adding section 2A.51 to read as follows:

SEC. 2A.51. PLANNING; ADVICE ON PHYSICAL IMPROVEMENT AND DEVELOPMENT.

The planning department shall advise ((act in an advisory capacity to)) the board of supervisors and other departments, commissions and agencies of the city and county in any matter affecting the physical improvement and development of the city and county. All public officials shall upon request furnish to the planning department ((of city planning)) such information as it may require for its work and the planning department ((of city planning)) shall furnish to all departments and officials of the city and county such information as said departments and officials may require concerning the general ((master)) plan. ((In general, the department shall have such powers as may be necessary to enable it to fulfill its functions.))

Section 8. The San Francisco Administrative Code is hereby amended by adding section 2A.75 to read as follows:

SEC. 2A.75. POLICE; RANKS IN THE DEPARTMENT.

The several ranks or positions in the department shall be as follows: chief of police, captains, criminologists, lieutenants, inspectors, sergeants, assistant inspectors, police surgeon, police officers, police patrol drivers and women protective officers, and such other ranks or positions as the police commission may from time to time create as

provided for in Section 2A.76 ((3.530)) of this code ((charter)). ((The compensation for these ranks shall be determined as provided in Sections 3.530 and 8.405 of this charter))

Section 9. The San Francisco Administrative Code is hereby amended by adding section 2A.76 to read as follows:

SEC. 2A.76. POLICE; CREATION OF NEW RANKS.

The police commission shall by rule and subject to the fiscal provisions of the charter, have power to create new or additional ranks or positions in the department which shall be subject to the civil service provisions of the charter; provided that the police commission subject to the recommendation of the civil service commission and the approval of the board of supervisors may declare such new or additional ranks or positions to be exempt from the civil service provisions of the charter. If the civil service commission disapproves any such exemption, the board of supervisors may approve such exemptions by a majority vote of the members thereof.

The police commission may in their discretion designate the rank or ranks from which appointments to such exempt ranks or positions shall be made. Appointments to any noncivil service rank or position above the rank of captain as may be created hereunder shall be designated only from the civil service rank of captain. If any new or additional rank or position is created pursuant hereto pending the adoption of salary standards for such rank or position, the police commission shall have power to recommend the basic rate of compensation therefor to the board of supervisors who shall

have the power to fix the rate of compensation for said new rank or position and it shall have the power, and it shall be its duty without reference or amendment to the annual budget, to amend the annual appropriation ordinance and the annual salary ordinance to include the provisions necessary for paying the basic rate of compensation fixed by said board of supervisors for said new rank or position for the then current fiscal year.

The police commission shall also have power to establish and from time to time change the order or rank of the non-civil service ranks in the police department.

Section 10. The San Francisco Administrative Code is hereby amended by adding section 2A.77 to read as follows:

SEC. 2A.77. POLICE; OTHER EXECUTIVES.

Subject to the provisions of ((Section 3.501 of this)) the charter governing the appointment and removal of non-civil service appointees, and without competitive examination, the chief of police shall have power to appoint a police surgeon; to appoint from among the members of the department holding the civil service rank of captain, a member to any non-civil service rank above the rank of captain as may be created by the police commission pursuant to the provisions of Section 2A.76 ((3.530)) of this code ((charter)); and to appoint a member to any non-civil service rank below the rank of captain as may be created by the police commission pursuant to the provisions of Section 2A.76 ((3.530)) from among the members of the department holding the rank or ranks

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designated by said commission pursuant to the provisions of Section 2A.76 ((3.530)) of this code ((charter)).

When any member of the department, detailed to any of the positions above mentioned, shall be removed from said detail or position, he or she shall be returned to his or her civil service rank and position, unless removed from the department pursuant to the provisions of Section A8.343 of the charter.

No appointment shall be made which would result in a member holding a lower civil service rank or position supervising a member holding a higher civil service rank or position. ((; provided, however, that any member of the department holding a position on the effective date of this amendment whose civil service rank is lower than that specified for such position may be retained in such position subject to the provisions of Section 3.501 of this charter, if he has held such position for at least one year prior to the effective date hereof.

The effective date of this section as amended herein shall be July 1, 1972.))

Section 11. The San Francisco Administrative Code is hereby amended by adding section 2A.78 to read as follows:

SEC. 2A.78. POLICE: INSPECTORS.

Assignment to the ranks of assistant inspector and inspector in the police department shall be made by the chief of police from among those members of said department holding the ranks of sergeant, police officer or woman protective officer, who

have qualified in the following manner; any of the aforesaid members of the police department who has served in the department not less than three years shall be eligible to participate in a competitive examination for the rank of assistant inspector which shall be administered by the civil service commission. Such competitive examination shall primarily pertain to matters concerning the duties of the classifications of assistant inspector and inspector. In addition to the written portion of this examination, participants shall be examined orally by a board composed of three supervisory officers having investigatory experience from those police departments in cities other than San Francisco surveyed under Charter Section A8.405 ((of this charter)), who shall be selected by the civil service commission. Rating of the examination shall be a composite of grades attained in the written examination, the oral examination, and a rating for seniority of service. The written examination shall be given a weight of 75 percent and the oral examination shall be given a weight of 20 percent, and seniority of service shall be given a weight of five percent. The civil service commission shall certify to the chief of police a list of certified candidates which shall not be less than the number of current and anticipated vacancies for a two-year period as determined by the chief of police plus 25 percent. Said list shall rank the candidates by order of the composite grade attained in the examination. Said list shall expire every two years following adoption by the civil service commission. The chief of police shall appoint assistant inspectors to fill vacancies in the rank of assistant inspector from the certified list of qualified candidates by order of the grade achieved in the examination; provided, however, if any member of the department

appointed as an assistant inspector is a sergeant at the time of the appointment or is appointed a sergeant thereafter, that member ((he)) shall receive the rate of compensation attached to the rank of sergeant.

Assistant inspectors shall serve a six month probationary period. Appointment as inspector shall not be subject to competitive examination. Each inspector shall serve at the pleasure of the chief of police during his or her first year of service and thereafter may only be removed and returned to his or her civil service rank in the manner herein provided. In case of vacancy in said rank of inspector the appointment shall be made by the chief of police from among those holding the rank of assistant inspector who have actually served as assistant inspector for at least two years prior to such appointment; provided, however, that in the event there are no assistant inspectors who have actually served as such for at least two years prior to such appointment, the appointment may be made by the chief of police from among those holding the rank of assistant inspector who have completed their six months probationary period prior to such appointment. The chief of police may, from time to time, detail members of the department for performance of duty, without change in rank, in the various units and bureaus of the department.

Inspectors and assistant inspectors shall have the same rights as other members of the department to take competitive examinations from their respective civil service ranks; provided, however, that any member of the department holding the rank of assistant inspector or police officer may take the competitive examination for the rank of sergeant. An inspector or assistant inspector guilty of any offense or violation of the rules

and procedures of the police department shall be subject to punishment as provided in Charter Section A8.343 ((of this charter)); provided, however, that in addition to the punishments set forth in Section A8.343, an inspector may be demoted to his or her civil service rank for any offense or violation set forth in said section and after trial and hearing before the police commission as set forth therein.

((Members of the police department holding the rank of assistant inspector or inspector respectively on the effective date of this amendment shall be deemed appointed to such rank pursuant to the provisions of this section and thereafter shall hold such rank under the provisions.

Any police officer or sergeant assigned to the bureau of inspectors, the juvenile bureau, the hit and run detail of the traffic bureau, the bureau of special services, the narcotics bureau or the intelligence unit on the effective date of this amendment and who had been so assigned or detailed on or before August 2, 1971, shall be deemed appointed to the rank of assistant inspector pursuant to the provisions of this section and thereafter shall hold such rank under such provisions.

The board of supervisors shall have the power, and it shall be its duty, without reference to the annual budget, to amend the annual appropriation ordinance, and the annual salary ordinance for the fiscal year 1971-1972, to include the provisions necessary for the reclassification of the police officers and sergeants deemed appointed to the rank of assistant inspector herein and the payment of any additional compensation related thereto.

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The effective date of this section as amended herein shall be the first day of the month following ratification.))

Section 12. The San Francisco Administrative Code is hereby amended by adding section 2A.79 to read as follows:

SEC. 2A.79. POLICE: SPECIAL POLICE OFFICERS.

((At his discretion or upon the petition of any person, firm or corporation, the chief of police may appoint, and at his pleasure remove special police officers. Such)) Special police officers shall be subject to all the rules and regulations of the department.

Section 13. The San Francisco Administrative Code is hereby amended by adding section 2A.80 to read as follows:

SEC. 2A.80. POLICE: SPECIAL POWERS OF THE CHIEF OF POLICE.

((In the suppression of any riot, public tumult, disturbance of the public peace or organized resistance against the laws or public authority, the chief of police, in the lawful exercise of his functions, shall have all the powers that are now or that may be conferred on the sheriff by the laws of this state.))

The chief of police shall have the power, by regulation, to provide for the care and restitution of property that may come into possession of any officer or employee thereof, and the sale at public auction of all such unclaimed property, as well as the disposition of

such property as shall consist of weapons or articles used or that may be used in the commission of crime, or the sale or disposition of which is prohibited by law.

The chief of police may refuse to issue any permit that is subject to police department investigation and issuance, if it shall appear that the character of the business or the applicant requesting such permit does not warrant the issuance thereof, or the chief of police ((he)) may revoke any such permit as soon as it shall appear that the business or calling of the person to whom it was granted is conducted in a disorderly or improper manner, or that the place in which the business is conducted or maintained is not a proper or suitable place in which to conduct or maintain such business or calling.

The chief of police in the performance of police duties shall have power to examine at any time the books and the premises of pawnbrokers, peddlers, junk and second-hand dealers, auctioneers and other businesses designated by the board of supervisors, and for these purposes shall have the power of inquiry, investigation and subpoena, as provided by the ((this)) charter.

Section 14. The San Francisco Administrative Code is hereby amended by adding section 2A.81 to read as follows:

SEC. 2A.81. POLICE: TRAFFIC REGULATION.

The traffic function of the police department shall be under the jurisdiction of the chief of police, who shall have powers and duties relating to street traffic, subject to laws relating thereto as follows:

(a) to regulate all street traffic by means of police officers and the emergency use of temporary signs or devices;

(b) to promote traffic safety education and to receive and give prompt attention to complaints in relation to street traffic and to refer all complaints relating to or arising from street design or from traffic devices, or the absence thereof, to the department of public works;

(c) to collect and compile traffic accident data, copies whereof shall be furnished to the department of parking and traffic;

(d) to cooperate and advise for the best performance of these functions, with the department of public works, the public transportation commission, the fire department, the department of city planning, the board of supervisors, the department of parking and traffic and other departments and agencies of the city and county and state as may be necessary; and

(e) to review all proposed plans relating to street traffic control devices which are received from the department of parking and traffic and to make such recommendations to that department as may be deemed necessary for the proper regulation of street traffic within 15 days after receipt of said plans from the department of parking and traffic ((, pursuant to Section 3.510 of this charter)).

The powers and duties of the chief of police with respect to traffic functions hereinabove stated shall not modify to any extent the powers and duties of any department or office, but shall be, first for the purpose of assisting the chief of police in his

or her regulation of traffic, and, second, for the purpose of recommendation only, to other departments or offices upon matters within their jurisdiction, but affecting to any extent the regulation of traffic.

Section 15. The San Francisco Administrative Code is hereby amended by adding section 2A.82 to read as follows:

SEC. 2A.82. SPECIAL POLICE FUNDS.

The board of supervisors shall have the power to appropriate to the police department an amount not to exceed in any one fiscal year the sum of $50,000 to be known as the contingent fund of the chief of police. The chief of police may from time to time, disburse such sums from such fund as in his <u>or her</u> judgment shall be for the best interests of the city and county in the investigation and detection of crime, and the police commission shall allow and order paid out of such contingent fund, upon orders signed by the chief of police, such amounts as may be required.

The board of supervisors shall have the power to appropriate to the police department an amount not less than $50,000 in any one fiscal year to be known as the narcotic fund of the chief of police. The chief of police may from time to time, disburse such sums from such fund as in his <u>or her</u> judgment shall be for the best interests of the city and county in the enforcement of the narcotic laws, and the police commission shall allow and order paid out of such narcotic fund, upon orders signed by the chief of police, such amounts as may be required.

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Section 16. The San Francisco Administrative Code is hereby amended by adding section 2A.90 to read as follows:

SEC. 2A.90. FIRE DEPARTMENT.

((The fire department shall be under the management of a fire commission, consisting of five members, who shall be appointed by the mayor; and each of whom shall receive an annual compensation of $1,200. The term of each commissioner shall be four years, commencing at 12:00 o'clock noon on the 15th day of January in the years of 1948, 1949, and 1950, respectively, two terms commencing on the 15th day of January in the year 1976. The incumbents serving as members of the commission on the effective date of this amendment shall continue to hold their respective offices subject to the provisions of the charter, for the remainder of the terms for which they have been respectively appointed. Not less than one member of said commission shall be a woman.

The fire commissioners shall be successors in office of the fire commissioners holding office in the city and county at the time this charter shall go into effect, and shall have all the powers and duties thereof, except as in this charter otherwise provided.)) The chief of department shall have power to send fire boats, apparatus and fire-fighters ((men)) outside the City and County of San Francisco for fire-fighting purposes.

The commissioners shall ((have the power and duty to organize, reorganize and manage the fire department. They shall)) by rule and subject to the fiscal provisions of the charter, have power to create new or additional ranks or positions in the department

which shall be subject to the civil service provisions of the charter; provided that the fire commission subject to the recommendation of the civil service commission and the approval of the board of supervisors may declare such new or additional ranks or positions to be exempt from the civil service provisions of the charter. If the civil service commission disapproves any such exemption, the board of supervisors may approve such exemptions by a majority vote of the members thereof. The fire commission shall designate the civil service rank from which a non-civil service rank or position shall be appointed. Appointments to any non-civil service rank or position as may be created hereunder shall hold civil service status in the department in the civil service rank from which they were appointed. In no rank below that of assistant chief shall the compensation attached to a non-civil service rank or position equal to exceed the next higher civil service rank or position from which they were appointed and for this purpose the next higher civil service rank above H-2 fireman shall be H-20 lieutenant. If any new or additional rank or position is created pursuant hereto pending the adoption of salary standards for such rank or position, the fire commission shall have power to recommend the basic rate of compensation therefor to the board of supervisors and said board of supervisors shall have the power to fix the rate of compensation for said new rank or position and it shall have the power, and it shall be its duty, without reference or amendment to the annual budget, to amend the annual appropriation ordinance and the annual salary ordinance to include the provisions necessary for paying the basic rate of compensation fixed by said board of supervisors for said new rank or position for the then

current fiscal year. ((Thereafter the compensation for said new rank or position shall be fixed as provided for in Section 8.405 of this charter; provided, however, nothing contained in this section shall be deemed to interfere with provisions of Section 8.405 of this charter relating to parity of compensation for police officers and firemen for the fourth year of service and thereafter.

Positions of officers and employees of the fire department legally authorized shall continue, and the incumbents therein legally appointed thereto shall continue as the officers and employees of the department under the conditions governing their respective appointments, and except as in this charter otherwise provided)).

Section 17. The San Francisco Administrative Code is hereby amended by adding section 2A.91 to read as follows:

SEC. 2A.91. FIRE DEPARTMENT PHYSICIAN
((CHIEF OF DEPARTMENT;
OTHER COMMISSION APPOINTMENTS.))

The fire commission shall appoint ((a chief of department and)) a department physician who shall hold office at its pleasure.

((Subject to the civil service provisions of this charter, the fire commission shall appoint a secretary, provided, however, that any person who has performed the duties of a secretary continuously for 10 years prior to the date of approval of this amendment by the electorate and who on said date shall be performing said duties, is hereby confirmed

in said position and thereafter shall hold the same pursuant to said civil service provisions of this charter.))

Section 18. The San Francisco Administrative Code is hereby amended by adding section 2A.92 to read as follows:

SEC. 2A.92. FIRE; RANKS IN THE DEPARTMENT.

The several ranks or positions in the fire department shall be: chief of department; assistant chiefs of department; battalion chiefs; captains; lieutenants; engineers; chief's operators; fire fighters; pilots of fire boats and marine engineers of fire boats; captain, bureau of fire prevention and public safety; lieutenant, bureau of fire prevention and public safety; lieutenant, bureau of fire investigation; inspector, bureau of fire prevention and public safety; and investigator, bureau of fire investigation, and such other ranks or positions as the fire commission may from time to time create as provided for in Section 2A.90 ((3.540)).

((The compensation for these ranks shall be determined as provided in sections 3.540 and 8.405(c) of this charter.))

Section 19. The San Francisco Administrative Code is hereby amended by adding section 2A.93 to read as follows:

SEC. 2A.93. FIRE; DEPUTY CHIEF; OTHER EXECUTIVES.

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((Subject to the provisions of Section 3.501 of the charter governing the appointment and removal of non-civil service officers, assistants and employees, and without competitive examination, the)) The chief of the fire department shall have the power to appoint and to remove, at his or her pleasure, from among the members of the department having the rank of assistant chief of department or battalion chief, two deputy chiefs of department and a secretary to the chief of the department.

Section 20. The San Francisco Administrative Code is hereby amended by adding section 2A.94 to read as follows:

SEC. 2A.94. FIRE MARSHAL.

The chief of the fire department, with the approval of the fire commission, may appoint a fire marshal and assistants. The board of supervisors may empower the fire marshal to sell property saved or salvaged from any fire and for which no owner can be found. The fire marshal may call upon police officers to assist in the protection or salvaging of property and shall have such other powers and duties as by ordinance may be prescribed relative to the protection of property at fires and the storage of property salvaged therefrom. The fire marshal ((He)) shall have such duties appertaining to the enforcement of laws relative to the storage, sale and use of flammable and combustible liquids, combustible materials and explosives as the fire commission by rule, or the supervisors by ordinance, may prescribe.

Section 21. The San Francisco Administrative Code is hereby amended by adding section 2A.95 to read as follows:

SEC. 2A.95. FIRE PREVENTION.

The chief of department shall have jurisdiction, under the supervision ((management)) of the fire commission, of the division of fire prevention and investigation consisting of the bureau of fire prevention and public safety and the bureau of fire investigation. The chief of department ((He)) shall hold the assistant chief of department, division of fire prevention and investigation, to the responsibility and authority for enforcement of laws and statutes of the State of California, and the charter and ordinances of the City and County of San Francisco, pertaining to matters of fire prevention and fire investigation.

The bureau of fire prevention and public safety shall inspect all hospitals, schools, places of public assemblage, and other premises regulated by Title 19 of the California Administrative Code, flammable liquid storage facilities, other hazardous occupancies as defined by the Building Code, and all occupied or vacated structures and premises to determine whether or not compliance is being had with statutes, regulations, and ordinances relative to fire prevention, fire protection and firespread control, and the protection of persons and property from fire. It shall enforce said statutes, regulations, and ordinances and shall report violations to other departments having jurisdiction.

The bureau of fire prevention and public safety shall examine the application, plans and specifications for the erection, and for alterations or repairs estimated to

exceed $1,000 in cost, of any hospital, school, place of public assemblage as defined in the Building Code, other premises regulated by Title 19 of the California Administrative Code, flammable liquid storage facility, or other hazardous occupancy as defined by the Building Code, subject to the statutes, regulations, and ordinances referred to in this section, and shall also examine the applications, plans and specifications for all structures and premises insofar as they involve the location of standpipes. The bureau of fire prevention and public safety shall by written report, filed with the director of public works, approve such plans and specifications, or report to said director of public works, the particulars wherein non-compliance exists, and upon modification of the application, plans and specifications to comply therewith, the bureau shall inform said director of its approval. No permit for alteration or repair exceeding $1,000 in cost of any hospital, school, place of public assemblage as defined in the Building Code, other premises regulated by Title 19 of the California Administrative Code, flammable liquid storage facility, or other hazardous occupancy as defined by the Building Code, or for the erection thereof, or involving the location of standpipes, shall be issued unless said approval is given.

Any structure or premises as provided in this Section ((3.545)) wherein there exists any violation of statutes, regulations, or ordinances referred to in this section, or which is maintained or used in such manner as to endanger persons or property by hazard or fire, explosion or panic and any structure or premises as provided in this Section ((3.545)) hereafter constructed, altered or repaired in violation of said statutes,

regulations, or ordinances, is hereby declared to be a public nuisance, and it shall be the duty of the bureau of fire prevention and public safety to prosecute abatement proceedings.

The bureau of fire prevention and public safety shall detail to the department of public works such personnel as necessary to review and check plans relative to requirements of the Fire Code and shall report any particulars of non-compliance to the director.

The fire department shall make recommendations to the director of public works for possible revisions to the Building Code and Housing Code on matters of fire safety.

Section 22. The San Francisco Administrative Code is hereby amended by adding section 2A.96 to read as follows:

SEC. 2A.96. CURTAILMENT OF FIREBOAT OPERATION.

In the event that the services of any pilot, marine engineer or marine fireman holding permanent civil service status as such, hereinafter referred to as the said member, are no longer required in connection with fireboat operation due to curtailment of such operation by the City and County of San Francisco or due to the conversion from steam fireboats to motorized fireboats, the said member on the basis of seniority in rank may be reassigned to duties of a position of some other rank in the fire department in which a vacancy in a permanent position exists and not carrying a higher compensation than the compensation of the rank previously held by said member, as the chief of

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department, with the approval of the fire commission, shall determine are within the said member's ability to perform, below the rank of lieutenant; ((,)) provided, however, said member shall not be eligible for promotional examination in the fire department. Upon such reassignment the said member shall be declared to be permanently appointed to such new rank as if appointed thereto after examination and certification from a list of eligibles under the civil service provisions of the ((this)) charter, and said member ((he)) shall have seniority therein from date of such reassignment and he or she shall receive the same rate of pay as would be applicable to any other member of such new rank having the same number of years of service in the department ((under the provisions of Section 8.405(c) of the charter)). If no vacancy in a permanent position exists to which immediate reassignment may be made as indicated above, then such member shall be laid off from his or her position subject to reassignment as indicated above when such a vacancy does occur.

If at any time after such reassignment the said member's original position, or a similar position becomes available on fireboats under jurisdiction of the San Francisco Fire Department, the said member shall be assigned to such position in accordance with his or her seniority in rank in the department, preference in such assignment being given to the said member having the greatest seniority. Upon such assignment the said member shall be declared to be reappointed to the rank said member ((he)) held at the time he or she was transferred from such fireboat service and shall be restored to all the

civil services rights and privileges appurtenant thereto, including such additional rights and privileges as may have accrued by reason of added seniority.

Nothing in this section shall affect the said member's pension and retirement rights and privileges ((under Chapter Five of Article Eight.

The chief of department, the board of fire commissioners, the civil service commission, the controller and the board of supervisors shall perform all acts necessary to carry out the provisions of this section.))

Section 23. Former Charter section 3.547, converted to ordinance by section 18.103 of the Charter, is hereby repealed.

((SEC. 3.547. POWER TO REMOVE STRUCTURES.

The chief of fire department or, in his absence, the chief in charge, may, during a conflagration, cause to be cut down or otherwise remove any buildings or structures for the purpose of checking the progress of such conflagration.))

APPROVED AS TO FORM:

LOUISE H. RENNE, City Attorney

By: _____
THOMAS J. OWEN
Deputy City Attorney

(July 10, 1996)

Board of Supervisors, San Francisco

Passed for Second Reading	$	Finally Passed
	$	
July 29, 1996	$	August 5, 1996
	$	
	$	
Ayes: Supervisors Ammiano Bierman Brown Katz Kaufman Leal Shelley Teng Yaki	$	Ayes: Supervisors Ammiano Bierman Brown Hsieh Katz Kaufman Teng Yaki
	$	
Absent: Supervisors Alioto Hsieh	$	Absent: Supervisors Alioto Leal Shelley

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John L. Taylor
Clerk

File No.
97-96-42

AUG - 8 1996
Date Approved

Mayor

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FILE NO. 115-96-7 ORDINANCE NO. 321-96

[Charter Implementation Planning Code]

AMENDING PART II, CHAPTER II OF THE SAN FRANCISCO MUNICIPAL CODE (PLANNING CODE) BY ADDING SECTION 108 TO MAKE THE NEW NAMES OF THE GENERAL PLAN, PLANNING DEPARTMENT, PLANNING COMMISSION AND BOARD OF APPEALS APPLICABLE TO THE PLANNING CODE, ADDING SECTION 340 TO IMPLEMENT THE CHARTER AND PROVIDE PROCEDURES FOR GENERAL PLAN AMENDMENTS, AMENDING SECTIONS 302, 306, 306.1, 306.2, 306.3, 306.4, 306.5, AND 308.1 TO MAKE THE PLANNING CODE CONSISTENT WITH THE CHARTER AND CLARIFY PROCEDURES, AND AMENDING SECTION 308.2 CHANGING THE TIME PERIOD FOR AN APPEAL TO A WRITTEN DETERMINATION OF THE ZONING ADMINISTRATOR FROM TEN DAYS TO FIFTEEN DAYS AS PROVIDED IN THE ADMINISTRATIVE CODE.

NOTE: Additions are <u>underlined</u> and deletions are in ((double parentheses)).

Be it ordained by the people of the City and County of San Francisco:

SECTION I. Part II, Chapter II of the San Francisco Municipal Code (Planning Code) is hereby amended by adding Section 108 to read as follows:

<u>SEC. 108. NEW NAMES</u>

<u>As of July 1, 1996, the effective date of the revised Charter, all references in this Code to the "Master Plan" shall mean "General Plan", to the "Department of City Planning" shall mean "Planning Department", to the "City Planning Commission" shall mean "Planning Commission", to the "Board of Permit Appeals" shall mean "Board of Appeals".</u>

SECTION II. Part II, Chapter II of the San Francisco Municipal Code (Planning Code) is hereby amended by amending Sections 302, 306, 306.1, 306.2, 306.3, 306.4, 306.5, 308.1, 308.2 to read as follows:

SEC. 302. **<u>PLANNING CODE</u> AMENDMENTS.** (a) **General.** Whenever the public necessity, convenience and general welfare require, the Board of Supervisors may, by

ordinance, amend any part of this Code. Such amendments may include reclassifications of property (changes in the Zoning Map), changes in the text of the Code, or establishment, abolition or modification of a setback line. The procedures for amendments <u>to the Planning Code</u> shall be as specified in this Section and in Sections 306 through 306.6.

(b) **Initiation.** An amendment <u>to the Planning Code</u> may be initiated by introduction by a member of the Board of Supervisors of a proposed ordinance approved as to form by the City Attorney, or by a resolution of intention by the ((City)) Planning Commission, or by application of one or more interested property owners, residents or commercial lessees or their authorized agents. Upon the introduction of an ordinance, the Clerk of the Board of Supervisors shall transmit the proposed ordinance to the ((City)) Planning Commission. A resolution of intention adopted by the ((City)) Planning Commission shall refer to, and incorporate by reference, a proposed ordinance approved as to form by the City Attorney. An "interested property owner" is hereby defined, for the purposes of this Section, as an owner of real property, a resident or a commercial lessee, that is either within the area included in the application or within a distance of 300 feet of the exterior boundaries of such area, or at a greater distance therefrom upon a showing that such property is influenced by development currently permitted by this Code within the area.

(c) **Determination.** The ((City)) Planning Commission shall hold a hearing on the proposed amendment <u>to the Planning Code</u>. If, following its hearing, the ((City)) Planning Commission finds from the facts presented that the public necessity, convenience and general welfare require the proposed amendment or any part thereof, it shall approve such amendment or part, and otherwise it shall disapprove the same. If approved by the ((City)) Planning Commission in whole or in part, the proposed amendment or part shall be presented to the Board of Supervisors, together with a copy of the resolution of approval, and the Board of Supervisors may adopt such amendment or part by a majority vote. Disapproval of the

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proposed amendment or part by the ((City)) Planning Commission shall have the following effect, depending upon the type of amendment involved:

(1) A proposed amendment to the Planning Code or part that had been introduced by a member of the Board of Supervisors to change the text of the Code or the Zoning Map shall be presented to said Board, together with a copy of the resolution of disapproval, and said amendment or part may be adopted by said Board by a majority vote.

(2) ((A proposed amendment or part that had been introduced by a member of the Board of Supervisors to reclassify property or to establish, abolish or modify a setback line shall be presented to said Board, together with a copy of the resolution of disapproval, and said amendment or part may be adopted by said Board only by a vote of not less than 2/3 of all the members of said board.))

(((3))) In all other cases, the disapproval of the ((City)) Planning Commission shall be final, except upon the filing of a valid appeal to the Board of Supervisors as provided in Section 308.1 ((in the case of a proposed amendment or part that had been initiated by application to reclassify property or to establish, abolish or modify a setback line)).

(d) **Referral of Proposed Text Amendments to the Planning Code Back to ((City)) Planning Commission.** In acting upon any proposed amendment to the text of the Code, the Board of Supervisors may modify said amendment but shall not take final action upon any material modification that has not been approved or disapproved by the ((City)) Planning Commission. Should the Board adopt a motion proposing to modify the amendment while it is before said Board, said amendment and the motion proposing modification shall be referred back to the ((City)) Planning Commission for its consideration. In all such cases of referral back, the amendment and the proposed modification shall be heard by the ((City)) Planning Commission according to the requirements for a new proposal, except that newspaper notice required under Section 306.3 need be given only 10 days prior to the date of the hearing. The

motion proposing modification shall refer to, and incorporate by reference, a proposed amendment approved by the City Attorney as to form. (Amended by Ord. 210-84, App. 5/4/84; Ord. 42-87, App. 2/20/87, Ord. 180-95, App. 6/2/95)

SEC. 306. APPLICATIONS AND HEARINGS. In case of an amendment to the Planning Code or General Plan, interim control, conditional use or variance action described in Sections 302 through 305, ((and)) 306.7 and 340 of this Code, the procedures for applications and hearings shall be as described in Sections 306 through 306.7. In addition, the Zoning Administrator and the ((City)) Planning Commission may from time to time establish policies, rules and regulations which further define these procedures. (Amended by Ord. 210-84, App. 5/4/84)

SEC. 306.1. APPLICATIONS AND FILING FEES. (a) **Who May Initiate.** The persons and agencies that may file or otherwise initiate actions for amendments to the Planning Code, conditional uses and variances are indicated in Sections 302 through 305. The persons and agencies that may file or otherwise initiate actions for amendments to the General Plan are indicated in Section 340.

(b) **Where To File.** Applications shall be filed in the office of the Planning Department ((of City Planning)).

(c) **Content of Applications.** The content of applications shall be in accordance with the policies, rules and regulations of the Planning Department, Zoning Administrator and the ((City)) Planning Commission. All applications shall be upon forms prescribed therefor, and shall contain or be accompanied by all information required to assure the presentation of pertinent facts for proper consideration of the case and for the permanent record. The applicant may be required to file with his application the information needed for the preparation and mailing of notices as specified in Section 306.3.

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(d) **Verification.** Each application filed by or on behalf of one or more property owners shall be verified by at least one such owner or his authorized agent attesting to the truth and correctness of all facts, statements and information presented.

(e) **Fees.** Before accepting any application for filing, the Planning Department ((of City Planning)) shall charge and collect a fee as specified in Article 3.5 or Article 3.5A of this Code. (Amended by Ord. 259-81, App. 5/15/81)

SEC. 306.2. SCHEDULING OF HEARINGS. When an action for an amendment to the Planning Code, conditional use or variance has been initiated by application or otherwise, except as provided by Sections 316.2 through 316.5, the Zoning Administrator shall set a time and place for a hearing thereon within a reasonable period. In the case of an application for a variance, such period shall not exceed 30 days from the date upon which the application is accepted for filing. The procedures for scheduling of hearings and determinations on conditional use applications where such authorization is required in any South of Market District, or pursuant to zoning categories .10, .11, .21, .24 through .27, .38 through .90, and .95 of Sections 710 through 729 for each Neighborhood Commercial District, are set forth in Sections 316.2 through 316.8 of this Code. When an action for an amendment to the General Plan has been initiated by the Planning Commission, the Planning Department shall set a time and place for a hearing thereon within a reasonable period. (Added by Ord. 235-68, App. 8/7/68; amended by Ord. 69-87, App. 3/13/87; Ord. 115-90, App. 4/6/90)

SEC. 306.3. NOTICE OF HEARINGS. (a) Except as indicated in Subsection (b) below, and except as provided in Sections 316.3 and 316.4 of this Code for conditional use applications where such authorization is required pursuant to zoning categories .10, .11, .21, .24 through .27, .38 through .90 and .95 of Sections 710 through 729 for each Neighborhood Commercial District, notice of the time, place and purpose of the hearing on action for an amendment to the Planning Code or General Plan, conditional use or a variance shall be given

by the Zoning Administrator as follows:

(1) By mail to the applicant or other person or agency initiating the action;

(2) By mail, except in the case of proposed amendments to change the text of the Code, not less than 10 days prior to the date of the hearing to the owners of all real property within the area that is the subject of the action and within 300 feet of all exterior boundaries of such area, using for this purpose the names and addresses of the owners as shown on the latest citywide assessment roll in the office of the Tax Collector. Failure to send notice by mail to any such property owner where the address of such owner is not shown on such assessment roll shall not invalidate any proceedings in connection with such action;

(3) By publication, except in variance cases, at least once in a newspaper of general circulation in the City not less than 20 days prior to the date of the hearing;

(4) Such other notice as the Zoning Administrator shall deem appropriate.

(b) In the following situations, notice of hearings shall be given as indicated.

(1) In the case of variance applications involving a less than 10 percent deviation as described in Section 305(c), the Zoning Administrator need give only such notice as the Zoning Administrator deems appropriate in cases in which a hearing is actually held.

(2) In the case of amendments to reclassify land on the basis of general zoning studies for one or more zoning districts, which studies either are citywide in scope or cover a major subarea of the City, as determined by the ((City)) Planning Commission, and where the total area of land so proposed for reclassification, excluding the area of public streets and alleys, is 30 acres or more, the notice given shall be as described in Subsection (a) above, except that:

(A) The newspaper notice shall be published as an advertisement in all editions of such newspaper, and need contain only the time and place of the hearing and a description of the general nature of the proposed amendment together with a map of the area proposed for

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reclassification.

(B) The notice by mail need contain only the time and place of the hearing and a general description of the boundaries of the area proposed for reclassification.

(3) In the case of amending the General Plan, notice shall be given by an advertisement at least once in a newspaper of general circulation in the City not less than 20 days prior to the hearing. The advertisement shall contain the time and place of the hearing and a description of the general nature of the proposed amendment and, if applicable, a map of the affected area.

(Amended by Ord. 443-78, App. 10/6/78; Ord. 69-87, App. 3/13/87)

SEC. 306.4. CONDUCT OF HEARINGS. (a) **Reports and Recommendations.** In all actions for amendments to the Planning Code or General Plan or conditional uses, the Zoning Administrator or the Planning Department shall make necessary investigations and studies and submit the ((his)) findings to the Director of Planning prior to the hearing of the ((City)) Planning Commission, or in actions on conditional use applications in NC Districts, prior to the consent calendar or public hearing of the Commission. The report and recommendation of the Director of Planning shall be submitted at least one week prior to the hearing.

(b) **Record.** A record shall be kept of the pertinent information presented at the hearing on any action for an amendment, conditional use or variance, and such record shall be maintained as a part of the permanent public records of the Planning Department ((of City Planning)). A verbatim record may be made if permitted or ordered by the ((City)) Planning Commission in the case of actions for amendments or conditional uses, and by the Zoning Administrator in the case of variance actions.

(c) **Continuations.** The ((City)) Planning Commission in the case of actions for amendments or conditional uses, and the Zoning Administrator in the case of variance actions, shall determine the instances in which cases scheduled for hearing may be continued or taken

under advisement. In such cases, new notice need not be given of the further hearing date, provided such date is announced at the scheduled hearing.

(d) **Decision.** The decision of the ((City)) Planning Commission or the Zoning Administrator shall be in accordance with the provisions for each type of case in Sections 302 through 305 and 340.

(1) In the case of variances, the decision of the Zoning Administrator shall, unless deferred upon the request or consent of the applicant, be rendered within 60 days from the date of conclusion of the hearing or, where no hearing is involved, within 60 days from the date of filing; failure of the Zoning Administrator to act within the prescribed time shall entitle the applicant to cause the matter to be placed before the ((City)) Planning Commission for decision at its next following regular meeting.

(2) In the case of actions for amendments to the Planning Code or conditional uses, the decision of the ((City)) Planning Commission shall be rendered within 90 days from the date of conclusion of the hearing; failure of the Commission to act within the prescribed time shall be deemed to constitute disapproval.

(3) In the case of proposed amendments to the Planning Code initiated by the Board of Supervisors under Section 302(b), or modifications to proposed amendments made by the Board under Section 302(d) of this Code, the decision of the ((City)) Planning Commission shall be rendered within 90 days from the date of referral of the proposed amendment or modification by the Board to the Commission. Failure of the Commission to act within the prescribed time shall be deemed to constitute disapproval, except that the Board may, by resolution, extend the prescribed time within which the Commission is to render its decision.

(Amended by Ord. 237-81, App. 5/8/81; Ord. 69-87, App. 3/13/87)

SEC. 306.5. RECONSIDERATION. (a) Whenever any application for an amendment to the Planning Code or General Plan, conditional use or variance, or any part thereof, has been

disapproved by the ((City)) Planning Commission or Zoning Administrator, or by the Board of Supervisors or the Board of ((Permit)) Appeals on appeal as described in Section 308, no application proposing an amendment, conditional use or variance, the same or substantially the same as that which was disapproved, shall be resubmitted to or reconsidered by the ((City)) Planning Commission or Zoning Administrator within a period of one year from the effective date of final action upon the earlier application. (Added by Ord. 235-68, App. 8/7/68)

SEC. 308.1. APPEALS: AMENDMENTS TO THE PLANNING CODE AND CONDITIONAL USES. (a) Right of Appeal. The action of the ((City)) Planning Commission, in disapproving in whole or in part an amendment to the Planning Code initiated by application as described in Section 302 and Sections 306 through 306.5, or in approving or disapproving in whole or in part an application for conditional use authorization as described in Sections 303 and 304, Sections 306 through 306.5, and Sections 316 through 316.6 of this Code, shall be subject to appeal to the Board of Supervisors in accordance with this Section. An action of the Commission so appealed from shall not become effective unless and until approved by the Board of Supervisors in accordance with this Section.

(b) **Notice of Appeal.** Any appeal under this Section shall be taken by filing written notice of appeal with the Board of Supervisors within 30 days after the date of action by the ((City)) Planning Commission. The notice of appeal shall be subscribed by the owners of at least 20 percent of the property affected by the proposed amendment or conditional use. For the purposes of this Section, the property affected shall be calculated as follows:

(1) When a proposed amendment or conditional use has been disapproved by the ((City)) Planning Commission, the property affected shall be deemed to be all property within the area that is the subject of the application for amendment or conditional use, and within 300 feet of all exterior boundaries of the property that is the subject of the application;

(2) When a proposed conditional use has been approved by the ((City)) Planning

Commission, the property affected shall be deemed to be all property within 300 feet of all exterior boundaries of the property for which the conditional use has been approved by the ((City)) Planning Commission, excluding the property for which the approval has been given;

(3) In either of the above cases, when any property is owned by the City and County of San Francisco, the United States Government or the State of California, or any department or agency thereof, or by any special district, and is located within 300 feet of the area that is the subject of the application for amendment or conditional use, such property shall be excluded in determining the property affected unless such owner shall itself be a subscriber of the notice of appeal; and

(4) Wherever a property is held in joint ownership, the signatures of joint owners shall be calculated as representing affected property in direct proportion to the amount of the total ownership of that property attributable to the joint owner or owners subscribing to the notice of appeal. For the purposes of this calculation, the term "joint ownership" shall include joint tenancies, interests in common, community property, partnerships, stock cooperatives, condominiums, community apartments and planned unit developments. Where each owner has exclusive rights to a portion of the property, the proportion of the total ownership attributable to that owner shall be calculated in terms of a ratio of the floor area and land area in which that owner has exclusive, joint and common rights to the total floor area and land area of that property. Under these calculations, the land area of an affected property in joint ownership shall be given the same weight as the land area of an affected property not in joint ownership, in determining whether 20 percent of the property affected is represented by signatures to the notice of appeal.

(c) **Hearing.** Upon the filing of such written notice of appeal so subscribed, the Board of Supervisors or the Clerk thereof shall set a time and place for hearing such appeal, which shall be not less than 10 nor more than 30 days after such filing. The Board of Supervisors

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must decide such appeal within 30 days of the time set for the hearing thereon, provided that, if the full membership of the Board is not present on the last day on which said appeal is set or continued for hearing within said period, the Board may postpone said hearing and decision thereon until, but not later than, the full membership of the Board is present; provided further, that the latest date to which said hearing and decision may be so postponed shall be not more than 90 days from the date of filing of the appeal. Failure of the Board of Supervisors to act within such time limit shall be deemed to constitute approval by the Board of the action of the ((City)) Planning Commission.

(d) **Decision.** In acting upon an((y such)) appeal of a Planning Commission determination on a request for reclassification by an interested party, the Board of Supervisors may disapprove the action of the ((City)) Planning Commission only by a vote of not less than 2/3 of all members of the Board. In acting upon any other appeal of a Planning Commission determination on a Planning Code amendment, the Board of Supervisors may disapprove the action of the ((City)) Planning Commission by a majority vote of the Board. In both cases, ((except that)) in the event that one or more of the full membership of the Board is disqualified or excused from voting because of an interest prohibited by general law or the San Francisco Charter, any such disapproval shall be by a vote ((of not less than 2/3)) of all members of the Board that are not disqualified or excused; provided, however, that in the event that a quorum of all members of the Board is disqualified or excused from voting because of an interest prohibited by general law or the Charter, the action of the ((City)) Planning Commission shall be deemed approved. In the event the Board disapproves the action of the Commission when the Commission has disapproved in whole or in part a proposed amendment, the Board shall, not later than its next regularly scheduled meeting, adopt the proposed ordinance. In the event the Board disapproves the action of the Commission when the Commission has disapproved in whole or in part a proposed conditional use, the Board shall prescribe in its resolution such

conditions as are in its opinion necessary to secure the objectives of this Code, in accordance with Section 303(d). (Amended by Ord. 443-78, App. 10/6/78; Ord. 69-87, App. 3/13/87)

SEC. 308.2. APPEALS: VARIANCES AND ADMINISTRATIVE ACTIONS. (a) **Right of Appeal.** The action of the Zoning Administrator, in granting or denying a variance application as described in Section 305 and Sections 306 through 306.5, or in making any order, requirement, decision or other determination, other than a variance, shall be subject to appeal to the Board of ((Permit)) Appeals in accordance with this Section. Such an appeal may be taken by any person aggrieved or by an officer, board or commission of the City and County. An appeal shall stay all proceedings in furtherance of the action appealed from.

(b) **Notice of Appeal.** Any appeal under this Section shall be taken by filing written notice of appeal with the Board of ((Permit)) Appeals within 10 days after the date of the written variance decision of the Zoning Administrator or within 15 days of any other written determination of the Zoning Administrator.

(c) **Allegations.** Any notice of appeal filed pursuant to this Section shall include allegations as follows:

(1) A notice of appeal filed from a variance decision shall set forth the particulars wherein the application for variance is alleged to have met or to have failed to meet, as the case may be, the five requirements set forth in Section 305(c).

(2) A notice of appeal filed from any order, requirement, decision or other determination of the Zoning Administrator, other than a variance, shall set forth specifically wherein it is alleged that there was error in interpretation of the provisions of this Code, or abuse of discretion on the part of the Zoning Administrator.

(d) **Hearing.** The procedure and requirements for the transmittal of the record, notice of hearing, and hearing in connection with any appeal under this section shall be as specified in Article I, Part III of the San Francisco Municipal Code.

(e) **Decision.** Upon the hearing of any appeal taken pursuant to this Section, the Board of ((Permit)) Appeals may, subject to the same limitations as are placed upon the Zoning Administrator by Charter or by this Code, approve, disapprove or modify the decision or determination appealed from, in conformity with the following requirements:

(1) In the case of a variance application, the Board shall specify in its findings, as part of a written decision, facts sufficient to establish wherein the application meets or does not meet, as the case may be, the five requirements set forth in Section 305(c); and, if the five requirements are deemed to be met, the Board shall specify the character and extent of the variance, and shall also prescribe such conditions as are necessary to secure the objectives of this Code, in accordance with Section 305(d).

(2) In the case of any order, requirement, decision or other determination of the Zoning Administrator, other than a variance, if the determination of the Board differs from that of the Zoning Administrator, it shall, in a written decision, specify wherein there was error in interpretation of the provisions of this Code, or abuse of discretion on the part of the Zoning Administrator, and shall specify in its findings, as part of such written decision, the facts relied upon in arriving at its determination. (Added by Ord. 235-68, App. 8/7/68)

SECTION III. Part II, Chapter II of the San Francisco Municipal Code (Planning Code) is hereby amended by adding Section 340 to read as follows:

SEC. 340. GENERAL PLAN AMENDMENTS.

(a) General Description. On July 1, 1996, the effective date of the revised Charter, the Master Plan of the City and County of San Francisco adopted by the Planning Commission prior to July 1, 1996, shall be known as the General Plan and shall consist of goals, policies and programs for the future physical development of the City and County of San Francisco that take into consideration social, economic and environmental factors. Any amendments to the General Plan proposed on or after July 1, 1996, shall be adopted by the Planning Commission

and recommended for approval or rejection by the Board of Supervisors subject to the following provisions and procedures.

(b) Purpose. The General Plan shall be periodically amended in response to changing physical, social, economic, environmental or legislative conditions.

(c) Initiation. An amendment may be initiated by a resolution of intention by the Planning Commission in response to a request by a member of the Planning Commission, the Board of Supervisors, or an application by one or more property owners, residents or commercial lessees or their authorized agents. A resolution of intention adopted by the Planning Commission shall refer to, and incorporate by reference, the proposed General Plan amendment.

(d) Determination. The Planning Commission shall hold a hearing on the proposed amendment. In developing their recommendation, the Commission shall consult with commissions and elected officials. If, following its hearing, the Planning Commission finds from the facts presented that the public necessity, convenience and general welfare require the proposed amendment or any part thereof, it shall adopt such amendment or part, and otherwise it shall reject the same. Rejection of the proposed amendment by the Planning Commission shall be final, except upon the filing of a valid appeal to the Board of Supervisors. If adopted by the Planning Commission in whole or in part, the proposed amendment shall be presented to the Board of Supervisors, together with a copy of the resolution of adoption. If the Board of Supervisors fails to act within 90 days of receipt, the amendment shall be deemed approved. The Board of Supervisors may approve or reject such amendment by a majority vote.

SECTION IV. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this ordinance or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, or any competent agency, such

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decision shall not affect the validity or effectiveness of the remaining portions of this ordinance or any part thereof.

/

APPROVED AS TO FORM

LOUISE H. RENNE, CITY ATTORNEY

By Judith A. Bajajian

Deputy City Attorney

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
July 29, 1996	August 5, 1996
Ayes: Supervisors Ammiano Bierman Brown Katz Kaufman Leal Shelley Teng Yaki	Ayes: Supervisors Ammiano Bierman Brown Hsieh Katz Kaufman Teng Yaki
Absent: Supervisors Alioto Hsieh	Absent: Supervisors Alioto Leal Shelley

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John Taylor

Clerk

File No. 115-96-7

AUG - 8 1996

Date Approved

Mayor

FILE NO. 121-96-9.1 ORDINANCE NO. 322-96

(Amending Regulations Governing Sale of Firearms)

AMENDING THE SAN FRANCISCO MUNICIPAL CODE PART II, CHAPTER VIII (POLICE CODE) BY AMENDING ARTICLE NINE, SECTION 613.3 THEREOF, TO PROHIBIT THE SALE OF FIREARMS NEAR CHURCHES, COMMUNITY CENTERS AND OTHER LOCATIONS WHERE REGULARLY SCHEDULED ACTIVITIES ARE CONDUCTED FOR PEOPLE UNDER 18 YEARS OF AGE.

Note: Additions or substitutions are indicated by underlining.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Findings.

1. In recent years, firearms have eclipsed automobiles as the primary cause of injury-related mortality in California and at least five other states.

2. The Federal Centers for Disease Control and Prevention have projected that firearms will become the primary cause of injury-related mortality nationwide by 2003.

3. Firearms are the leading killer of Californians under the age of 24, killing more Californians in that age group than motor-vehicle injuries, AIDS, heart disease, and cerebrovascular disease combined.

4. Guns are widely and easily available in California.

There are more than twice as many gun dealers in California as there are schools.

5. Restricting the availability of guns in areas where young people congregate is therefore necessary to protect their health and safety.

6. The State of California has not, expressly or impliedly, preempted the area of regulation of firearms sales and has specifically authorized local licensing and regulation of gun dealers.

Section 2. The San Francisco Municipal Code Part II, Chapter VIII (Police Code) is hereby amended by amending Article Nine, Section 613.3, to read as follows:

SEC. 613.3. DENIAL OF LICENSE. The Chief of Police shall deny the issuance of a license when any of the following conditions exist:

(a) The applicant is under the age of 21 years.

(b) The applicant is not licensed as required by all applicable federal, state and local laws.

(c) The applicant has had a firearms license previously revoked or denied for good cause within the immediately preceding two years.

(d) The applicant has made a false or misleading statement of

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a material fact, or omission of a material fact, in the application for a license. If a license is denied on this ground, the applicant shall be prohibited from reapplying for a license for a period of two years.

(e) The applicant has been convicted of:

(1) Any offense so as to disqualify the applicant from owning or possessing a firearm under applicable federal, state, and local laws, including but not limited to the offenses listed in California Penal Code Section 12021;

(2) Any offense relating to the manufacture, sale, possession, use, or registration of any firearm or dangerous or deadly weapon;

(3) Any offense involving the use of force or violence upon the person of another;

(4) Within 1,000 feet of a community center, church, neighborhood center, recreational center, whether public or private, where regularly scheduled activities are conducted for people under 18 years of age.

(5) Any offense involving the manufacture, sale, possession or use of any controlled substance as defined by the California Health & Safety Code as said definition now reads or may hereafter be amended to read.

(f) The applicant is within the classes of persons defined in California Welfare & Institutions Code Sections 8100 or 8103.

(g) The applicant is (1) currently, or has been within the past two years, an unlawful user of any controlled substance as defined by the California Health & Safety Code as said definition now reads or may hereafter be amended to read; or (2) an excessive user of alcohol, to the extent that such use would impair his or her fitness to be a dealer in firearms.

(h) The operation of the business as proposed would not comply with all applicable federal, state, and local laws.

(i) The applicant, or an officer, employee, or agent thereof, proposes to operate in the following locations:

(1) Within any RH, RM, RC, NC or RED zoning district, or within 1,000 feet of the exterior limits of any such district;

(2) Within 1,000 feet of a public or private day care center or day care home, or within 1,000 feet of any elementary, junior high or high school whether public or private;

(3) On or within 1,500 feet of the exterior limits of any other premises used as a place of business by a dealer in firearms.

(j) The applicant, or an officer, employee or agent thereof does not have, and/or cannot provide evidence of a possessory interest in the property at which the proposed business will be

conducted.

(k) Any other ground for denial exists under any applicable provision of federal, state or local law.

As used in this Section, the term "applicant" when the applicant is other than a natural person shall include any officer, director, employee or agent of the applicant who may be involved in the sale, lease or other transfer of any firearm, firearms ammunition or firearms ammunition component.

APPROVED AS TO FORM:

LOUISE H. RENNE, City Attorney

By: _____
G. SCOTT EMBLIDGE
Deputy City Attorney

Board of Supervisors, San Francisco

Passed for Second Reading	§	Finally Passed
July 29, 1996	§	August 5, 1996
Ayes: Supervisors Ammiano Bierman Brown Katz Kaufman Leal Shelley Teng Yaki	§	Ayes: Supervisors Ammiano Bierman Brown Hsieh Katz Kaufman Teng Yaki
Absent: Supervisors Alioto Hsieh	§	Absent: Supervisors Alioto Leal Shelley

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

_____
Clerk

File No.
121-96-9.1

AUG - 8 1996
Date Approved

_____
Mayor

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FILE NO. 124-96-6 ORDINANCE NO. 323-96

[Speed Limits]

ADDING SECTIONS 176.40 AND 176.41 TO THE SAN FRANCISCO TRAFFIC CODE, ADDING TO THE LIST OF STREETS UPON WHICH A 35-MPH SPEED LIMIT SHALL APPLY.

Note: These sections are new.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The San Francisco Traffic Code is hereby amended by adding Sections 176.40 and 176.41 thereto to read as follows:

SECTION 176.40. A prima facie speed limit of 35 miles per hour is hereby established on King Street, between 3rd and Townsend Streets.

SECTION 176.41. A prima facie speed limit of 35 miles per hour is hereby established on The Embarcadero, between Townsend and Folsom Streets.

APPROVED AS TO FORM:
LOUISE H. RENNE, City Attorney

By: Deputy City Attorney

RECOMMENDED:

John E. Newlin, Director
Department of Parking and Traffic

BOARD OF SUPERVISORS

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
July 29, 1996	August 5, 1996
Ayes: Supervisors Ammiano Bierman Brown Katz Kaufman Leal Shelley Teng Yaki	Ayes: Supervisors Ammiano Bierman Brown Hsieh Katz Kaufman Teng Yaki
Absent: Supervisors Alioto Hsieh	Absent: Supervisors Alioto Leal Shelley

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No. 124-96-6

AUG - 8 1996
Date Approved

Mayor

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FILE NO. 34-96-6 ORDINANCE NO. 324-96

[Changing Width of Sidewalk]

AMENDING ORDINANCE NO. 1061 ENTITLED "REGULATING THE WIDTH OF SIDEWALKS" BY ADDING THERETO SECTION NO. 1526 CHANGING THE OFFICIAL SIDEWALK WIDTH ON THE EASTERLY SIDE OF STEUART STREET BETWEEN MISSION STREET & HOWARD STREET, AS SHOWN ON THE DEPARTMENT OF PUBLIC WORKS DRAWING LABELED Q-20-437 AND MAKING FINDINGS PURSUANT TO PLANNING CODE SECTION 101.1.

Be it ordained by the people of the City and County of San Francisco:

SECTION 1: Ordinance No. 1061 entitled " Regulating the Width of Sidewalks", be and is hereby amended in accordance with the communication filed in the Office of the Clerk of the Board of Supervisors, by adding thereto a new section to be numbered as follows:

Section 1526. The width of the sidewalk on a) Easterly side of Steuart Street between Mission Street and Howard Street, shall be as shown on the Department of Public Works drawing labeled Q-20-437, and

SECTION 2: The Planning Department in its letter dated January 18, 1996 states that the above described change of official sidewalk width is in conformity with the Master Plan and makes findings of consistency with the Eight Priority Policies of Planning Code Section 101.1.

The San Francisco Board of Supervisors adopts as its own and incorporates by reference herein as though fully set forth the findings made by the Planning Department in its letter dated January 18, 1996, that the project intended by the proposed changes of official sidewalk widths are consistent with the Eight Priority Policies of Planning Code Section 101.1.

The Applicant, as is necessary as a result of this Ordinance, shall make arrangements with Public Utility companies and City Departments for the relocation and / or adjustment of their facilities in the affected sidewalk and street areas

RECOMMENDED:

Director of Public Works

DESCRIPTION APPROVED:

City Engineer

APPROVED AS TO FORM:
LOUISE RENNE, CITY ATTORNEY

By Deputy City Attorney

APPROVED:

Chief Administrative Officer

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Board of Supervisors, San Francisco

Passed for Second Reading	$	Finally Passed
	$	
August 12, 1996	$	August 19, 1996
	$	
	$	
Ayes: Supervisors Bierman Katz Kaufman Shelley Teng Yaki	$	Ayes: Supervisors Ammiano Bierman Brown Katz Kaufman Shelley Yaki
	$	
Absent: Supervisors Alioto Ammiano Brown Hsieh Leal	$	Absent: Supervisors Alioto Hsieh Leal Teng

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Acting Clerk

File No.
34-96-6

AUG 21 1996
Date Approved

Mayor

FILE NO. 36-96-6 ORDINANCE NO. 325-96

(Zoning Map Change)

AMENDING PART II, CHAPTER II OF THE SAN FRANCISCO MUNICIPAL CODE (CITY PLANNING CODE) BY ADOPTING CHANGES IN PROPERTY USE CLASSIFICATION AS AN AMENDMENT TO THE ZONING MAP OF THE CITY AND COUNTY OF SAN FRANCISCO FOR PROPERTY GENERALLY DESCRIBED AS 1306 PORTOLA DRIVE, ASSESSOR'S BLOCK 2987, LOT 4, TO REMOVE A 15-FOOT LEGISLATED SETBACK IN AN RH-1(D) (HOUSE, ONE-FAMILY, DETACHED) DISTRICT AND ADOPTING FINDINGS PURSUANT TO PLANNING CODE SECTION 101.1

Be it ordained by the People of the City and County of San Francisco:

Section 1. Pursuant to Section 302(c) of Part II, Chapter II of the San Francisco Municipal Code (City Planning Code), the following change in property use classification, duly approved by resolution of the City Planning Commission, is hereby adopted as an amendment to the Zoning Map of the City and County of San Francisco as shown on the Map on File with the Clerk of the Board of Supervisors under File No. 36-96-6.

Description of Property	Legislated Setback to be Superseded	Legislated Setback Hereby Approved
Lot. No. 23 in Block	Fifteen (15) Feet	Zero (0) Feet

No. 2987, according to Map entitled "Claremont Court, San Francisco, California", filed in the Office of the Recorder of the City and County of San Francisco, California, July 24, 1914 and recorded in Book "H" of Maps at Pages 24, 25, and 26.

Section 2. Pursuant to Planning Code Section 101.1, this Board of Supervisors adopts City Planning Commission Resolution No. 14129 approving findings related to the Eight Priority Policies of Section 101.1 of the Planning Code.

APPROVED AS TO FORM:

LOUISE RENNE, CITY ATTORNEY

By Judith A. Baggins
Deputy City Attorney

RECOMMENDED:

CITY PLANNING COMMISSION

By Amit Ghosh
Amit Ghosh
Director of Planning

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Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
August 12, 1996	August 19, 1996
Ayes: Supervisors Bierman Katz Kaufman Shelley Teng Yaki	Ayes: Supervisors Ammiano Bierman Brown Katz Kaufman Shelley Yaki
Absent: Supervisors Alioto Ammiano Brown Hsieh Leal	Absent: Supervisors Alioto Hsieh Leal Teng

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Acting Clerk

File No.
36-96-6

AUG 21 1996
Date Approved

Mayor

FILE NO. 36-96-7 ORDINANCE NO. 326-96

gj
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(Zoning Map)

ADOPTING CHANGES IN PROPERTY USE CLASSIFICATION AS AN AMENDMENT TO THE ZONING MAP OF THE CITY AND COUNTY OF SAN FRANCISCO FOR PROPERTY LOCATED AT 901 POLK STREET AT O'FARRELL FROM A NC-3 DISTRICT TO RC-4 AND VAN NESS SPECIAL USE DISTRICTS; ADOPTING FINDINGS PURSUANT TO CITY PLANNING CODE SECTION 101.1.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The following change in property use classification, duly approved by resolution of the City Planning Commission, is hereby adopted as an amendment to the Zoning Map of the City and County of San Francisco:

Use District to be Superseded	Use District Hereby Approved
NC-3 (Moderate-Scale Neighborhood Commercial District)	VNSUD/RC-4 (Van Ness Special Use District)

Beginning at the point of intersection of the northerly line of O'Farrell Street with the easterly line of Van Ness Avenue; running thence easterly along said line of O'Farrell Street 384 Feet to the westerly line of Polk Street; thence at a right angle

northerly along said line of Polk Street 120 feet to the southerly line of Myrtle Street; thence at a right angle westerly along said line of Myrtle Street 384 feet to the easterly line of Van Ness Avenue; thence at a right angle southerly along said line of Van Ness Avenue 120 feet to the point of beginning.

Being part of Western Addition Block No. 60.

Section 2. The subject lots are the site of a proposed Planned Unit Development.

Section 3. The San Francisco Board of Supervisors hereby finds that this ordinance is on balance consistent with the Priority Policies in Section 101.1 of the San Francisco Municipal Code (the City Planning Code) and consistent with the Master Plan and adopts the findings in City Planning Commission Resolution No. 14125 related to the Eight Priority Policies of Section 101.1 of the Planning Code and the Master Plan.

APPROVED AS TO FORM:	RECOMMENDED:
LOUISE H. RENNE, CITY ATTORNEY	CITY PLANNING COMMISSION
By Judith A. Boyajian	By Amit Ghosh
Deputy City Attorney	Amit Ghosh
	Acting Director of Planning

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Board of Supervisors, San Francisco

Passed for Second Reading	$	Finally Passed
	$	
August 12, 1996	$	August 19, 1996
	$	
	$	
Ayes: Supervisors Bierman Katz	$	Ayes: Supervisors Ammiano Bierman
Kaufman Shelley Teng Yaki	$	Brown Katz Kaufman Shelley Yaki
	$	
Absent: Supervisors Alioto Ammiano	$	Absent: Supervisors Alioto Hsieh
Brown Hsieh Leal	$	Leal Teng

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Acting Clerk

File No.
36-96-7

AUG 21 1996
Date Approved

Mayor

File No. 81-96-2.1 Ordinance No. 327-96

E R R A T A

To add words inadvertently deleted which currently exist as follows:

Page 4, Line 11, Section 243 (c)(8)(A), following "occupied floor area" by adding: for nonresidential uses in excess of the occupied floor area ...

To add words inadvertently deleted which were adopted by Ordinance No. 161-96 approved on April 24, 1996 which amended Section 243 of Part II of the San Francisco Municipal Code (City Planning Code) as follows:

Page 14, Line 12, Section 243 by adding: Section (J) Adult Entertainment Enterprises. The uses described in Section 221 (k) of this Code are not permitted.

Page 14, Lines 12 and 13, Section 2 by deleting: (((Added by Ord. 537-88, App. 12/16/88; amended by Ord. 79-89, App. 3/24/89; Ord. 312-92, App. 10/9/92)))

To add words inadvertently deleted which currently exist as follows:

Page 17, Line 10, Section 607.3 (c)(3) following the words "shall be permitted" by adding: to cover part or all of any

window. No more than one general advertising sign of 300 square feet or two general advertising signs of 72 square feet each shall be permitted "per lot."

Page 17, Line 15, Section 607.3 (c)(3) following the words "whichever is lowest." by adding: Signs may be either nonilluminated, directly or indirectly illuminated.

Page 20, Line 11, Section 607.3 (c)(7) following "Additional" (the first word in the sentence) by adding: sign.

Page 20, Lines 24 and 25, Section 607.3 (c)(8) by deleting: (((Added by Ord. 537-88, App. 12/16/88; amended by Ord. 79-89, App. 3/24/89)))

John L. Taylor
Clerk of the Board
September 3, 1996

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FILE NO. 81-96-2.1 ORDINANCE NO. 327-96

[Van Ness Special Use District]

AMENDING PART II, CHAPTER II OF THE SAN FRANCISCO MUNICIPAL CODE (CITY PLANNING CODE) BY AMENDING SECTIONS 243 AND 607.3 TO ALLOW FOR THE REPLACEMENT AND/OR RESTORATION OF SIGNS ON DESIGNATED LANDMARKS WITHIN THE VAN NESS AVENUE SPECIAL USE DISTRICT; ADOPTING FINDINGS PURSUANT TO CITY PLANNING CODE SECTION 101.1

NOTE: Additions are underlined; deletions are in ((double parentheses)).

Be it ordained by the People of the City and County of San Francisco:

Section 1 Part II. Chapter II of the Municipal Code of the City and County of San Francisco (City Planning Code) is hereby amended by amending Planning Code Section 243 to read as follows:

SEC. 243. **VAN NESS SPECIAL USE DISTRICT.** (a) **General.** A Special Use District entitled the Van Ness Special Use District, the boundaries of which are shown on Sectional Map No. 2su of the Zoning Map, is hereby established for the purposes set forth below.

(b) **Purposes.** In order to implement the objectives and policies of the Van Ness Avenue Plan, a part of the Master Plan, which includes (i) creation of a mix of residential and commercial uses on the boulevard, (ii) preservation and enhancement of the pedestrian environment, (iii) encouragement of the retention and appropriate alteration of architecturally and historically

significant and contributory buildings, (iv) conservation of the existing housing stock, and (v) enhancement of the visual and urban design quality of the street, the following controls are imposed in the Van Ness Special Use District.

(c) **Controls.** All provisions of the City Planning Code applicable to an RC-4 District shall apply except as otherwise provided in this Section.

(1) **Basic Floor Area Ratio.** The basic floor area ratio limit shall be 7.0 to 1 in the 130 foot height district and 4.5:1 in the 80 foot height district. These limits shall apply to dwellings notwithstanding Section 124(b) of this Code, but shall not apply to floor space used for non-accessory off-street parking and driveways and maneuvering areas incidental thereto provided such parking is located entirely below curb level at the centerline of the building containing such parking and replaces parking spaces displaced by the building or buildings. For definitions of floor area ratio and gross floor area, see Sections 102.10 and 102.8, respectively. The provisions allowing a floor area premium set forth in Section 125(a) shall not apply in the Van Ness Special Use District.

(2) **Housing Density.** The restrictions on density set forth in Sections 207, 207.1, 208, 209.1 and 209.2 of this Code shall not apply.

(3) **Height and Bulk Restrictions.** See Height and Bulk Map No. 2H. See Section 270 of this Code for bulk limits.

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(4) Awnings, canopies and marquees, as defined in Sections 790.20, 790.26 and 790.58 of this Code, and further regulated by the Building Code and Sections 243(c)(5), 136.2 and 607.3 of this Code, are permitted.

(5) **Signs.** (A) Signs located within the Van Ness Special Use District, with the exception of the Civic Center Special Sign District as described in Section 608.3 of this Code and as shown in Sectional Map SSD, shall be regulated as provided in Article 6, including Section 607.3 which governs signs located in the Van Ness Special Sign District.

(B) Signs on structures designated as landmarks under the provisions of Section 1004 shall be regulated as provided in Section 607.3(d).

(6) **Rear Yards.** The requirements of this Code applicable to rear yards may be modified or waived by the Zoning Administrator pursuant to Section 307(g) if all of the following conditions are met:

(A) The interior block open space formed by the rear yards of abutting properties will not be adversely affected; and

(B) A comparable amount of usable open space is provided elsewhere on the lot or within the development where it is more accessible to residents; and

(C) The access of light and air to abutting properties will not be significantly impeded.

This provision shall be administered pursuant to the

procedures which are applicable to variances, as set forth in Sections 306.1 through 306.5 and 308.2 of this Code.

(7) **Required Setbacks.** Setbacks for buildings exceeding a height of 40 feet shall be regulated as provided in Section 253.2 of this Code.

(8) **Limitation of Nonresidential Uses.**

(A) **Residential Uses; Ratio Established.** In newly constructed structures, nonresidential uses shall only be permitted if the ratio between the amount of net additional occupied floor area for residential uses, as defined in this paragraph below, to the amount of occupied floor area for nonresidential uses in excess of the occupied floor area ~~of structures existing on the~~ site at the time the project is approved is 3 to 1 or greater. In additions to existing structures which exceed 20 percent of the gross floor area of the existing structure, nonresidential uses shall be permitted in the addition in excess of 20 percent only if the ratio between the amount of occupied floor area for residential use, as defined in this paragraph below, to the area of occupied floor area for nonresidential use is 3 to 1 or greater. This residential use ratio shall not apply to development sites in the Van Ness Special Use District which have less than 60 feet of street frontage on Van Ness Avenue and have no street frontage other than the Van Ness frontage. For purposes of this Section, "nonresidential uses" shall mean those uses described in Sections 209.2(d) and (e) (hotel, inn, hostel), 209.3(a) (hospital, medical center or other medical institution with in-

9/3/96
rt

patient care facilities), 209.4 (community facilities), 209.6 (public facilities and utilities), 209.7 (vehicle storage and access) and 209.8 (commercial establishments); in the Automotive Special Use District nonresidential uses include automotive uses as described in Section 237; "residential use" shall mean those uses described in Sections 209.1 and 209.2(a), (b) and (c) (dwelling units and group housing).

(B) **Reduction of Ratio of Residential Uses for Affordable Housing.** The City Planning Commission may modify the Van Ness Special Use District residential to nonresidential use ratio between Golden Gate Avenue and California Street as a conditional use in one of the following ways:

(i) In-Lieu Fee. By conditional use, the developer may elect to fulfill the obligation to build housing by paying an in-lieu fee to the Affordable Housing Fund as provided in Section 313 of this Code. No more than a 50 percent reduction of the required housing for a specific project can be fulfilled by paying an in-lieu fee. Use of these funds shall provide affordable housing within 2,000 feet of the Van Ness Special Use District. The in-lieu fee shall be determined by the following formula:

(1) ((Lot Area x FAR) / 4) x 3 = Residential SQFT Requirement.

(2) Residential SQFT Requirement - Residential SQFT Developed = LOSS.

(3) LOSS x $15 = In-Lieu Fee.

(ii) Providing Affordable Housing. By conditional use, the

developer may reduce up to 50 percent of the required amount of on-site housing by maintaining a portion of that housing as permanently affordable for the life of the project. Affordable units shall be managed by a nonprofit housing agency through a duly executed agreement between the project sponsor, the nonprofit agency and the Planning Department. The mix of affordable units retained in the project shall conform to the overall dwelling unit size mix of the project. The portion of retained residential which shall be affordable will be determined by calculating the number of market rate units which could be subsidized by the amount of "in-lieu fee" calculated in Paragraph (i) above. The number of square feet of affordable housing shall be calculated in the following manner:

(1) In-Lieu Fee/($30/square foot subsidy) = Square Feet of Affordable Housing Retained in the Project.

(iii) Annual Reporting, Evaluation and Adjustments to Affordability and Fee Calculations. The Department shall report annually to the Planning Commission on the activity and utilization of Section 243(c)(7)(B). Based on an evaluation of this report, The Planning Commission may initiate a modification or deletion of Section 243(c)(7)(B).

The dollar amounts used in the calculation for Paragraphs (i) and (ii) of this Subsection shall be subject to annual adjustments in accord with Section 313(f)(1) of this Code. Affordability shall be defined by rents or sale prices affordable by households with

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more than 80 percent of median income standards developed by HUD.

(iv) If the Commission finds that taking into consideration projects constructed since the effective date of the Van Ness Special Use District and the housing development potential remaining in the District the overall objective of adding a substantial increment of new housing on Van Ness Avenue will not be significantly compromised, the Commission may by conditional use modify the 3:1 housing ratio or may modify the rules regarding the timing and location of linked projects if in addition to Section 303(c) standards of this Code it finds that:

(1) The project is to provide space for expansion of an established business from an adjacent site (for this purpose two sites separated by an alley shall be deemed to be adjacent) or,

(2) The project is to provide space for an institutional, hotel, medical, cultural or social service use meeting an important public need which cannot reasonably be met elsewhere in the area, and

(3) Housing cannot reasonably be included in the project referred to in (1) and (2) above.

The Commission shall consider the feasibility of requiring the project to be constructed in such manner that it can support the addition of housing at some later time.

(C) **Off-Site Provision of Required Residential Space.** For the purpose of calculating the 3 to 1 ratio between residential and

nonresidential use, two or more projects for new construction within the Van Ness Special Use District may be considered and approved together as linked projects. The requirements of Paragraph (A) above may be satisfied if the aggregate amount of occupied floor area for residential use in two or more linked projects is at least three times greater than the aggregate amount of occupied floor area for nonresidential use.

(i) Those building permit applicants who wish to link two or more projects for the purpose of meeting the 3 to 1 residential to nonresidential ratio shall file with the Department of City Planning a statement of intent identifying the applications covering the projects that are to be considered and approved together;

(ii) When the Department of City Planning approves an application for a project containing only nonresidential use and the project is linked to one or more other projects pursuant to the statement of intent filed with the Department, it shall include as a condition of approval a requirement prohibiting the project sponsor from commencing any work on the site until the Zoning Administrator issues a written determination that such work may proceed. The Zoning Administrator shall not issue such a determination until those permits authorizing the projects containing residential use have been issued and foundations have been completed at each such site;

(iii) If a permit for a project containing nonresidential use

expires because of delays in the completion of foundations for linked projects containing residential uses, new permits may be approved for the nonresidential project within three years of such expiration without regard to the 3 to 1 residential ratio requirement if a Temporary Certificate of Occupancy or a Permit of Occupancy has been issued for each project containing residential use;

(iv) No building or portion of a building approved as a linked project that contains residential use required to meet the 3 to 1 residential to nonresidential ratio requirement shall be used for any nonresidential purposes; provided, however, that this restriction shall no longer apply if 50 percent or more of the nonresidential occupied floor area in the linked projects has been converted to residential use, or has been demolished, or has been destroyed by fire or other act of God;

(v) The Zoning Administrator shall impose as a condition of approval of a permit authorizing the residential uses of linked projects the requirement that the owner record in the land records of the property a notice of restrictions, approved as to form by the Zoning Administrator, placed on the use of the property by this Section.

(D) **Nonconforming Uses.** A use which existed lawfully at the effective date of this Section and which fails to conform to the use limitation of Section 243(c)(8)(A) above, shall be considered a nonconforming use and subject to the provisions of Sections 180

through 188 of this Code, including the provisions of Section 182 regarding change of use, except as follows:

(i) In calculating the cost of structural alterations pursuant to Section 181(b)(4), the cost of reinforcing the building to meet the standards for seismic loads and forces of the 1975 Building Code shall not be included; and

(ii) Notwithstanding the provisions of Section 181(b), the structure occupied by the nonconforming use may be enlarged by an amount equal to 20 percent of the gross floor area of the existing structure.

(E) **Ground Story Uses.** Parking shall not be permitted on the ground story of lots abutting Van Ness Avenue to a depth of 25 feet from Van Ness Avenue. At least 1/2 the total width of structures at the ground story on lots abutting Van Ness Avenue shall be devoted to entrances, windows or display space. Every window located at the ground story shall use clear, untinted glass, except for decorative or architectural accent. Any decorative railings or grillwork, other than wire mesh, shall be at least 75 percent open to view and no more than six feet in height above grade. For the purposes of this Section, "ground story" shall be defined as the portion of a building included between the upper surface of the lowest floor and the upper surface of the floor next above, provided such floor level is not more than four feet below grade for more than 50 percent of the total perimeter, or more than eight feet below grade at any point.

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(F) **Fast Food Uses.** A large fast food restaurant as defined in Section 790.90 of this Code shall be permitted only as a conditional use.

A small self-service restaurant, as defined in Section 790.91 of this Code, shall be permitted only as a conditional use unless such restaurant is a related minor use which is either necessary to the operation or enjoyment of a lawful principal use or conditional use, or is appropriate, incidental and subordinate to any such use, in which case it shall be permitted as an accessory use.

(G) **Drive-Up Facilities.** Drive-up facilities are not permitted. For the purposes of this Section, "drive-up facilities" shall be defined as structures designed primarily for drive-to or drive-through trade which provides service to patrons while in private motor vehicles.

(H) **Demolitions.** All demolitions of buildings containing residential use and all conversions from residential uses to nonresidential uses above the ground floor shall be permitted only if authorized as a conditional use under Section 303 of this Code, unless the Superintendent of the Bureau of Building Inspection or the Chief of the Bureau of Fire Prevention and Public Safety determines that the building is unsafe or dangerous and that demolition is the only feasible means to secure the public safety. When considering whether to grant a conditional use permit for the demolition or conversion, in lieu of the criteria set forth in

Planning Code Section 303, consideration shall be given to the adverse impact of the public health, safety and general welfare of the loss of housing stock in the district and to any unreasonable hardship to the applicant if the permit is denied. The definition of residential use shall be as set forth in Section 243(c)(8)(A), but shall not include any guest room in a building classified as a residential hotel subject to the Residential Hotel Unit Conversion and Demolition Ordinance.

A conditional use permit shall not be required if the demolition permit is sought in order to comply with a court order directing or permitting the owner to demolish a building because it is unsafe. No person shall be permitted to construct anything on the site of a demolished building subject to such an order for a period of two years unless (a) the proposal is for at least the same number and size of dwelling units and guest rooms and the same amount of nonresidential floor area as that which was demolished or (b) the applicant requests and is granted an exemption from this requirement on the ground that the applicant has demonstrated that (1) the need for demolition did not arise because of the deliberate or unreasonable neglect of the maintenance of the building, or that (2) the restrictions would cause undue hardship to the property owner or that (3) the restrictions would leave the property without any substantial remaining market value or reasonable use.

(I) **Parking.** Pursuant to Table 151 in Article 1.5 of this

Code, the residential parking requirement shall be one space for each dwelling unit; provided, however, that the parking requirement may be reduced to not less than one space for each four dwelling units, if the Zoning Administrator determines that the reduced parking requirement is sufficient to serve the reasonably anticipated auto usage by residents and visitors to the project. The procedures and fee for such review shall be the same as those which are applicable to variances, as set forth in Sections 306.1 through 306.5 and 308.2.

(9) **Reduction of Ground Level Wind Currents.**

(A) New buildings and additions to existing buildings shall be shaped, or other wind baffling measures shall be adopted, so that the development will not cause year-round ground level wind currents to exceed, more than 10 percent of the time, between 7:00 a.m. and 6:00 p.m., the comfort level of 11 m.p.h. equivalent wind speed in areas of pedestrian use and seven m.p.h. equivalent wind speed in public seating areas. When the pre-existing ambient wind speeds exceed the comfort levels specified above, the building shall be designed to reduce the ambient wind speeds in efforts to meet the goals of this requirement.

(B) An exception to this requirement may be permitted but only if and to the extent that the project sponsor demonstrates that the building or addition cannot be shaped or wind baffling measures cannot be adopted without unduly restricting the development potential of the building site in question.

(i) The exception may permit the building or addition to increase the time that the comfort level is exceeded, but only to the extent necessary to avoid undue restriction of the development potential of the site.

(ii) Notwithstanding the above, no exception shall be allowed and no building or addition shall be permitted that causes equivalent wind speeds to reach or exceed the hazard level of 26 m.p.h. for a single hour of the year.

(C) For the purposes of this Section, the term "equivalent wind speed" shall mean an hourly wind speed adjusted to incorporate the effects of gustiness or turbulence on pedestrians.

9/3/96 (J) Adult Entertainment Enterprises. The uses described in Section 221 (k) of this Code are not permitted.

((Added by Ord. 537-88, App. 12/16/88; amended by Ord. 79-89, App. 3/24/89; Ord. 312-92, App. 10/9/92)))

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Section 2. Part II, Chapter II of the San Francisco Municipal Code (City Planning Code) is hereby amended by amending Section 607.3 to read as follows:

SEC. 607.3. **VAN NESS SPECIAL SIGN DISTRICT.** (a) **General.** Signs located within the Van Ness Special Use District, with the exception of the Civic Center Special Sign District as shown in Sectional Map SSD, shall be regulated by the provisions of Article 6 and those set forth below, except for those signs which are exempt pursuant to Section 603. In the event of conflict between the provisions of this Section and those of Article 6, the provisions of this Section shall prevail in the Van Ness Special

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District.

(b) **Purposes.** In addition to the purposes stated in Sections 101 and 601 of this Code, the following purposes apply to the Van Ness Special Use District. These purposes constitute findings that form a basis for regulations and provide guidance for their application.

(1) As Van Ness Avenue changes from an automotive oriented area to a mixed-use, predominantly residential district, it needs to maintain its attractiveness to business customers and residents alike. Physical amenities and a pleasant appearance will benefit both existing and new enterprises.

(2) The character of signs and other features projecting from buildings is an important part of the visual appeal of a street and the general quality and economic stability of the area. Opportunities exist to relate these signs and projections more effectively to street design and building design. These regulations establish a framework that will contribute toward a coherent appearance of the Van Ness Special Use District.

(3) The Van Ness Special Use District is intended to be a mixed-use area with commercial units on the ground or lower stories and residential uses on upper stories. Although signs and other advertising devices are essential to a vital commercial district, they should not be allowed to interfere with or diminish the livability of residential units within the Van Ness Special Use District or in adjacent residential districts.

(4) The scale of the Van Ness Special Use District as characterized by building height, bulk, and appearance, and by the width of streets and sidewalks, differs from that of other commercial and industrial districts. Sign sizes should relate and be compatible with the surrounding district scale.

(c) **Controls.**

(1) **Signs or Sign Features Not Permitted in the Van Ness Special Use District.** Roof signs as defined in Section 602.16 are not permitted.

(2) **Identifying Signs.** Identifying signs, as defined in Section 602.9, shall be permitted in the Van Ness Special Use District subject to the limits set forth below.

(A) An identifying sign shall not exceed 20 square feet in area. The sign may be a wall sign or a projecting sign. A wall sign or projecting sign shall be mounted at or below the level of the lowest residential windowsill or 25 feet, whichever is lower. Such sign may be nonilluminated, indirectly illuminated, or directly illuminated. For the purposes of this Section, "wall signs" shall be defined as signs placed flat against a building wall with its copy parallel to the wall to which it is attached and not protruding more than the thickness of the sign cabinet.

(B) One name plate, as defined in Section 602.12, not exceeding an area of six square feet, shall be permitted for each resident and occupant of the building.

(3) **General Advertising Signs.** General advertising signs, as

defined in Section 602.7, shall be permitted in the Van Ness Special Use District as provided below. General advertising signs may be either a wall sign or a freestanding sign, provided that the surface of any freestanding sign shall be parallel to and within three feet of an adjacent building wall. The building wall shall form a complete backdrop for the wall sign, as the sign is viewed from those points on a street or alley from which it is legible. Signs painted directly on a building wall shall be considered general advertising signs for the purposes of this Section. No general advertising sign shall be permitted to cover part or all of any window. No more than one general advertising sign of 300 square feet or two general advertising signs of 72 square feet each shall be permitted per lot. The height of any such sign shall not exceed 36 feet, or the height of the wall to which it is attached or before which it is placed, or the height of the lowest residential windowsill located on the wall to which the sign is attached or before which it is placed, whichever is lowest. Signs may be either nonilluminated, directly or indirectly illuminated. All general advertising signs shall conform to the provisions of Section 5408 of the California Business and Professions Code, including the requirement that no advertising display shall be placed within 100 feet from another advertising display on the same side of Van Ness Avenue.

(4) **Business Signs.** Business signs, as defined in Section 602.3, shall be permitted subject to the following restrictions:

(A) **Window Signs.** The total area of any window sign, as defined in Section 602.1(b), shall not exceed 1/3 the area of the window on or in which the sign is located. Such signs may be nonilluminated, indirectly illuminated, or directly illuminated.

For purposes of this Section, "window signs" shall be defined as signs placed directly on the surface of the glass inside the building.

(B) **Wall Signs.** The area of any wall sign shall not exceed three square feet per foot of street frontage occupied by the building on which the sign is located. The height of any wall sign shall not exceed 45 feet, or the height of the wall to which it is attached, or the height of the lowest of any residential windowsill on the wall to which the sign is attached, whichever is lower. Such signs may be nonilluminated, indirectly, or directly illuminated.

(C) **Projecting Signs.** The area of any projecting sign shall not exceed 36 square feet. The height of the sign shall not exceed 24 feet, or the height of the wall to which it is attached, or the height of the lowest of any residential windowsill on the wall to which the sign is attached, whichever is lowest. No part of the sign shall project more than six feet from the property line. Such signs may be nonilluminated, indirectly, or directly illuminated.

(D) **Signs on Awnings and Marquees.** Sign copy may be located on permitted awnings and marquees in lieu of projecting signs. The area of such sign copy shall not exceed 60 square feet. Such sign copy may be nonilluminated, indirectly illuminated or directly illuminated.

(E) **Freestanding Signs and Sign Towers.** Freestanding signs and sign towers shall not be permitted in the Van Ness Special Sign

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District except as provided in Section 606(c)(1).

(F) **Automotive Gas and Service Stations.** For automotive gas and service stations, only the following signs are permitted:

(i) A maximum of two oil company signs, which shall not extend more than 10 feet above the roof line if attached to a building, or exceed 24 feet in height if freestanding. The area of any such sign shall not exceed 180 square feet. Along each street frontage, all parts of such a sign or signs that are within 10 feet of the street property line shall not exceed 80 square feet in area. No such sign shall project more than five feet beyond any property line. The areas of other permanent and temporary signs as covered in Subparagraph (ii) below shall not be included in the calculation of the areas specified in this Subsection.

(ii) Other permanent and temporary signs customarily incidental to the service station business, not to exceed 30 square feet in area for each such sign or a total of 180 square feet for all such signs on the premises. No such sign shall extend above the roof line if attached to a building, or in any case project beyond any street property line or building setback line.

(5) **Temporary Signs.** Temporary signs permitted in the Van Ness Special Use District are sale or lease signs as defined in Section 602.17 and construction signs giving the names of persons firms connected with work on buildings under actual construction or alteration and information pertinent to the project. One sign per lot not exceeding 50 square feet shall be permitted and conform to

all regulations as set forth in Section 607(f). All temporary signs shall be promptly removed upon removal of the property from the market or completion of the construction activity.

(6) **Maintenance and Removal of Signs.** Every business and identifying sign shall be adequately maintained in its appearance, or else removed or obscured. When the business, service, industry, use or activity for which a business sign or identifying sign has been erected has ceased operation on the premises, all such signs pertaining to such establishment shall be removed or obscured within 180 days.

9/3/96 rt

(7) **Additional Controls.** Additional sign controls apply to certain areas of the Van Ness Special Use District designated as Special Sign Districts. Special Sign Districts are described within Sections 608.1 through 608.11 of this Code and, with the exception of Sections 608.1, 608.2 and 608.11, their designations, locations and boundaries are provided on Sectional Map SSD of the Zoning Map of the City and County of San Francisco.

(8) Automotive sales and service signs within the Automotive Special Use District which have all required permits but which do not comply with the controls for new signs established in Section 607.3 of this Code shall be permitted to remain as nonconforming uses and shall be permitted to modify the signage text to describe new automobile ownerships and dealerships that may occur from time to time. (((Added by Ord. 537-88, App. 12/16/88; amended by Ord. 79-89, App. 3/24/89)))

9/3/96 rt

(d) **Landmark Buildings.** Notwithstanding any other provision of this Code to the contrary, any sign which is presently located upon or was once located upon a structure within the Van Ness Special Use District which is designated a landmark under Section 1004 may be replaced and/or restored subject to the limits set forth below.

(1) The sign may not exceed the size, shape and number of the sign(s) being replaced and/or restored.

(2) The sign may be a wall, projecting, or freestanding sign.

(3) The height of the sign may not exceed 80 feet from the sidewalk elevation.

(4) The sign must be in the same location of the sign being replaced and/or restored.

(5) The sign may not be located on the roof.

(6) The sign may not cover or partially block any window.

(7) The light of the sign may not be flashing, intermittent, or moving.

(8) The features of the sign including size, shape and illumination must be reviewed and approved in accordance with the procedures for the application of a Certificate of Appropriateness under Section 1006 of this Code and subject to the discretion of the City Planning Commission. Both the Landmark Preservation Advisory Board and the City Planning Commission have the authority to modify any features of the sign in order to preserve the historical nature of the building.

Section 3. The San Francisco Board of Supervisors hereby finds that this ordinance is on balance consistent with the Priority Policies in Section 101.1 of the San Francisco Municipal Code (the City Planning Code) and consistent with the Master Plan and adopts the findings in City Planning Commission Resolution No. 14126 related to the Eight Priority Policies of Section 101.1 of the Planning Code and the Master Plan.

APPROVED AS TO FORM:

LOUISE H. RENNE, CITY ATTORNEY

By Judith A. Boyajian
Deputy City Attorney

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cc

Board of Supervisors, San Francisco

Passed for Second Reading	$	Finally Passed
	$	
August 12, 1996	$	August 19, 1996
	$	
	$	
Ayes: Supervisors Bierman Katz	$	Ayes: Supervisors Ammiano Bierman
Kaufman Shelley Teng Yaki	$	Brown Katz Kaufman Shelley Yaki
	$	
Absent: Supervisors Alioto Ammiano	$	Absent: Supervisors Alioto Hsieh
Brown Hsieh Leal	$	Leal Teng

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Acting Clerk

File No.
81-96-2.1

AUG 21 1996
Date Approved

Mayor

FILE NO. 97-96-41 ORDINANCE NO. 328-96

(GENDER PARITY)

AMENDING CHAPTER 3 OF THE SAN FRANCISCO ADMINISTRATIVE CODE BY ADDING SECTION 3.17-3 THERETO, REQUIRING THE MAYOR'S OFFICE OF CHILDREN, YOUTH AND FAMILIES TO ANNUALLY REPORT FUNDS ALLOCATED BY ALL DEPARTMENTS AND AGENCIES OF THE CITY AND COUNTY OF SAN FRANCISCO AND THE AMOUNT OF THE ACTUAL SERVICES RENDERED BY THEM TO YOUNG MALES UNDER 18 YEARS OF AGE AND FUNDS ALLOCATED BY ALL DEPARTMENTS AND AGENCIES OF THE CITY AND COUNTY OF SAN FRANCISCO AND THE AMOUNT OF THE ACTUAL SERVICES RENDERED BY THEM TO YOUNG FEMALES UNDER 18 YEARS OF AGE AND TO IDENTIFY DISPARITIES IN EITHER THE FUNDING ALLOCATIONS AND/OR THE AMOUNT OF THE ACTUAL SERVICES RENDERED.

NOTE: The entire section is new.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The San Francisco Administrative Code is hereby amended by adding Section 3.17-3, to read as follows:

SUPERVISORS KAUFMAN, LEAL, ALIOTO, TENG SHELLEY, KATZ, BIERMAN

Section 3.17-3. ANNUAL REPORT OF ALLOCATION OF FUNDS AND THE AMOUNT OF THE ACTUAL SERVICES RENDERED TO YOUNG MALES AND YOUNG FEMALES. (a) Beginning July 1, 1996, the Mayor's Office of Children, Youth and Families shall report to the Board of Supervisors (i) the allocation of funds by all departments and agencies of the City and County of San Francisco for services rendered to young males and females under 18 years of age and (ii) the amount of the actual services rendered by such City departments and agencies to young males and females under 18 years of age. Such report shall be submitted annually by July 1 of each year and cover the period of the prior calendar year.

(b)(1) The report shall identify the disparity or disparities, if any, in the allocation of funds to young males and young females under 18 years of age by calculating the ratio of the amount of allocated funds to males under 18 years of age to the total amount of allocated funds to all males and females under 18 years of age and the ratio of the amount of allocated funds to females under 18 years of age to the total amount of allocated funds to all males and females under 18 years of age. If the report identifies a disparity or disparities in the allocation of funds, the report shall set forth a detailed plan of action to resolve such disparity or disparities.

SUPERVISORS KAUFMAN, LEAL

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(2) The report shall identify the disparity or disparities, if any, in the amount of the actual services rendered to young males and young females under 18 years of age by calculating the ratio of the amount of the actual services rendered to males under 18 years of age to the total amount of the actual services rendered to all males and females under 18 years of age and the ratio of the amount of the actual services rendered to females under 18 years of age to the total amount of the actual services rendered to all males and females under 18 years of age. If the report identifies a disparity or disparities in the amount of the actual services rendered, the report shall set forth a detailed plan of action to resolve such disparity or disparities.

APPROVED AS TO FORM:

Theodore R Lakey
Deputy City Attorney

SUPERVISORS KAUFMAN, LEAL

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
August 12, 1996	August 19, 1996
Ayes: Supervisors Bierman Katz Kaufman Shelley Teng Yaki	Ayes: Supervisors Ammiano Bierma Brown Katz Kaufman Shelley Yak
Absent: Supervisors Alioto Ammiano Brown Hsieh Leal	Absent: Supervisors Alioto Hsieh Leal Teng

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Acting Clerk

File No. 97-96-41

AUG 21 1996
Date Approved

Mayor

FILE NO. 101-96-3

(Government Funding)

ORDINANCE NO. 329-96

RO#96011
SA#05

APPROPRIATING AND CERTIFYING $100,931 OF HETCH HETCHY OPERATING FUNDS FOR A CAPITAL IMPROVEMENT PROJECT TO COVER 10% OVERAGE PER CHARTER SECTION 18.103 (ORDINANCE 7.203) AT HETCH HETCHY FOR FISCAL YEAR 1996-97. PROVIDING FOR RATIFICATION OF ACTION PREVIOUSLY TAKEN.

Be it ordained by the people of the City and County of San Francisco:

Section 1. Funds are hereby appropriated for FY 1996-1997 as follows:

Department and Number	Source of Funds and Purpose of Appropriation	Amount Debit	Amount Credit
Fund			
5T-AAA-ACP	**Hetchy Operating- Cont. Project Fund**		
Department			
HHP02	Hetchy Hetchy		
Program			
BCP	Hetchy Hetchy Capital Projects		
Project			
CUH831-01	Saddle Rep. Moccasin		
Funding Sources			
067-06700 (528311)	Moccasin Penstock Repair	$100,931	
Funding Uses			
067-06700 (528311)	Moccasin Penstock Repair		$100,931
	Total	$100,931	$100,931

BOARD OF SUPERVISORS

Section 2. Although the City has incurred no legal obligation under the Charter, the Board of Supervisors does hereby appropriate the funds necessary for the obligation and does hereby ratify the action previously taken.

APPROVED AS TO FORM:
LOUISE H. RENNE, CITY ATTORNEY

BY
DEPUTY CITY ATTORNEY

FUNDS AVAILABLE:
EDWARD M. HARRINGTON
CONTROLLER

BY:

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BOARD OF SUPERVISORS

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Board of Supervisors, San Francisco

Passed for Second Reading	$	Finally Passed
	$	
August 12, 1996	$	August 19, 1996
	$	
	$	
Ayes: Supervisors Bierman Katz	$	Ayes: Supervisors Ammiano Bierman
Kaufman Shelley Teng Yaki	$	Brown Katz Kaufman Shelley Yaki
	$	
Absent: Supervisors Alioto Ammiano	$	Absent: Supervisors Alioto Hsieh
Brown Hsieh Leal	$	Leal Teng

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Jean L. Lem
Acting Clerk

File No.
101-96-3

AUG 21 1996
Date Approved

Willie L. Brown Jr.
Mayor

As Amended in Committee 8/7/96.

FILE NO. 101-96-4

(Governmental Funding)

ORDINANCE NO. 330-96

RO#96025
SA#002

APPROPRIATING $12,040,000 OF CLEAN WATER ENTERPRISE REVENUE BOND AND OPERATING FUND REVENUE TO PROVIDE THE DEPARTMENT OF PUBLIC WORKS WITH FUNDING FOR SEACLIFF EMERGENCY WORK AND THE TWENTY FOURTH AVENUE SEWER AND SLOPE RECONSTRUCTION PROJECT FOR FISCAL YEAR 1996-97; PROVIDING FOR RATIFICATION OF ACTION PREVIOUSLY TAKEN.

Be it ordained by the people of the City and County of San Francisco:

Section 1. Funds are hereby appropriated for FY 1996-1997 as follows:

Department and Number	Source of Funds and Purpose of Appropriation	Amount Debit	Amount Credit
Fund			
5C-CPF-88A	**Sewer Rev. Bonds Series 1988A**		
Department			
DPW-EN	Public Works - Engineering		
Program			
BAD	Clean Water Grants		
Project			
CENBRV-8A9601	CWP Sewer Rev. Bond (35-896-896-00)		
Funding Sources			
999-9999 (DPW052076)	Fund Balance	$5,133,755	
CENCMP-RC3390	Seacliff Emergency		
Funding Uses			
060-06700 (DPW770602)	Capital Improvement Project		$5,133,755
	Total	$5,133,755	$5,133,755

BOARD OF SUPERVISORS

Department and Number	Source of Funds and Purpose of Appropriation	Amount Debit	Amount Credit
Fund			
5C-CPF-88B	**Sewer Rev. Bonds Series 1988B**		
Department			
DPW-EN	Public Works - Engineering		
Project			
CENBRV-8B9701	CWP Sewer Rev. Bonds		
Program			
BAD	Clean Water Grants		
Funding Sources			
999-9999 (DPW052167)	Fund Balance	$2,739,170	
CENCMP-RC3390	Seacliff Emergency		
Funding Uses			
060-06700 (DPW770610)	Capital Improvement Project		$2,739,170
	Total	$2,739,170	$2,739,170
Fund			
5C-AAA-AAA	**Clean Water Program Fund**		
Department			
DPW-EN	Public Works - Engineering		
Funding Sources			
999-9999 (DPW055491)	Fund Balance	$4,167,075	

BOARD OF SUPERVISORS

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Department and Number	Source of Funds and Purpose of Appropriation	Amount Debit	Amount Credit
Funding Uses			
095-0955C (PWAAAAAA955C)	Intrafund transfer out to 5C-AAA-ACP, Clean Water Continuing Projects Fund		$4,167,075
	Total	$4,167,075	$4,167,075
Fund			
5C-AAA-ACP	Clean Water Cont Proj Fund		
Department			
DPW-EN	Public Works - Engineering		
Funding Sources			
950-9505C (PWAAAACP505C)	Intrafund transfer in from 5C-AAA-AAA, Clean Water Operating Fund	$4,167,075	
Project			
CENCMP-RC3390	Seacliff Emergency		
Funding Uses			
060-06700 (DPWEEAAA0187)	Capital Improvement Projects		$4,167,075
	Total	$4,167,075	$4,167,075

APPROVED AS TO FORMS:
LOUISE H. RENNE, CITY ATTORNEY

BY: _____
DEPUTY CITY ATTORNEY

FUNDS AVAILABLE
EDWARD M. HARRINGTON
CONTROLLER

BY: _____

Section 2. Although the City has incurred no legal obligation under the Charter, the Board of Supervisors does hereby appropriate the funds necessary for the obligation and does hereby ratify the action previously taken.

BST
8/7/96

BOARD OF SUPERVISORS

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
August 12, 1996	August 19, 1996
Ayes: Supervisors Bierman Katz Kaufman Shelley Teng Yaki	Ayes: Supervisors Ammiano Bierman Brown Katz Kaufman Shelley Yaki
Absent: Supervisors Alioto Ammiano Brown Hsieh Leal	Absent: Supervisors Alioto Hsieh Leal Teng

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Jean Lum
Acting Clerk

File No.
101-96-4

AUG 21 1996
Date Approved

Mayor

FILE NO. 101-96-5

(Government Funding)

ORDINANCE NO. 331-96

RO#96026
SA#03

RESCINDING $2,160,000 FROM A TRANSIT IMPACT DEVELOPMENT FEE PROJECT FOR LAND ACQUISITION AT WOODS MAINTENANCE DIVISION AND RE-APPROPRIATING THE FUNDS TO COMPLETE AN EXCHANGE OF FEDERAL SECTION NINE (9) CAPITAL ASSISTANCE FUNDS WITH THE SAN DIEGO METROPOLITAN TRANSIT DEVELOPMENT BOARD WHICH WILL ALLOW THE MUNICIPAL RAILWAY TO PURCHASE EQUIPMENT IN FISCAL YEAR 1996-97.

Be it ordained by the people of the City and County of San Francisco:

Section 1. Funds are hereby appropriated for FY 1996-1997 as follows:

Department and Number	Source of Funds and Purpose of Appropriation	Amount Debit	Amount Credit
Fund			
5M-SRF-TID	**Muni-Transit Impact Development Fd.**		
Department			
PT-DPT	Public Transportation - Muni Railway		
Program			
BEJ	Muni Maintenance		
Project			
CPT023-012E	Woods Annex-Land Acquisition		
Funding Sources			
067-06700 (354023)	Capital Improvement Project	$2,160,000	
Funding Uses			
021-02899 (354023)	Non-Personal Services		$2,160,000
	Total	$2,160,000	$2,160,000

APPROVED AS TO FORM:
LOUISE H. RENNE, CITY ATTORNEY

BY _____
DEPUTY CITY ATTORNEY

FUNDS AVAILABLE:
EDWARD M. HARRINGTON
CONTROLLER

BY _____

BOARD OF SUPERVISORS

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
August 12, 1996	August 19, 1996
Ayes: Supervisors Bierman Katz Kaufman Shelley Teng Yaki	Ayes: Supervisors Ammiano Bierman Brown Katz Kaufman Shelley Yaki
Absent: Supervisors Alioto Ammiano Brown Hsieh Leal	Absent: Supervisors Alioto Hsieh Leal Teng

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

_____
Acting Clerk

File No. 101-96-5

AUG 21 1996
Date Approved

_____
Mayor

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FILE NO. 101-96-6
(Government Funding)

ORDINANCE NO. 332-96
RO#96027
SA#001a

APPROPRIATING $1,000,000 OF 1988 SEWER REVENUE BOND PROCEEDS FOR THE PIER 98 WETLANDS ENHANCEMENT PROJECT AT THE DEPARTMENT OF PUBLIC WORKS FOR FISCAL YEAR 1996-97. PLACING $1,000,000 ON RESERVE.

Be it ordained by the people of the City and County of San Francisco:

Section 1. Funds are hereby appropriated for FY 1996-1997 as follows:

Department and Number	Source of Funds and Purpose of Appropriation	Amount Debit	Amount Credit
Fund			
6C-CPF-88A	**Sewer Rev. Bonds Series 1988A**		
Department			
DPWEN	Public Works - Engineering		
Program			
BAD	Clean Water Grants		
Project			
CENBRV-8A9601	CWP Sewer Rev. Bond (35-896-896-000)		
Funding Sources			
999-9999 (DPW052076)	Fund Balance	$1,000,000	
CENBRV-8A9301	CWP Sewer Rev. Bond		
Funding Uses			
060-06700 (DPW770602)	Capital Improvement Project		$1,000,000
	Total	$1,000,000	$1,000,000

Section 2. Funds in the amount of $1,000,000 are hereby placed on reserve pending selection of the construction contractors, submission of cost details and the MBE/WBE status of the contractors.

APPROVED AS TO FORM:
LOUISE H. RENNE, CITY ATTORNEY

BY: Theodore R. Lakey
DEPUTY CITY ATTORNEY

FUNDS AVAILABLE
EDWARD M. HARRINGTON
CONTROLLER

BY: John W. Hamilton

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Board of Supervisors, San Francisco

Passed for Second Reading	$	Finally Passed
	$	
August 12, 1996	$	August 19, 1996
	$	
	$	
Ayes: Supervisors Bierman Katz	$	Ayes: Supervisors Ammiano Bierman
Kaufman Shelley Teng Yaki	$	Brown Katz Kaufman Shelley Yaki
	$	
Absent: Supervisors Alioto Ammiano	$	Absent: Supervisors Alioto Hsieh
Brown Hsieh Leal	$	Leal Teng

I hereby certify that the foregoing ordinance
was finally passed by the Board of Supervisors
of the City and County of San Francisco

Acting Clerk

File No.
101-96-6

AUG 21 1996

Date Approved

Mayor

FILE NO. 101-96-7 (Government Funding)

ORDINANCE NO. 333-96

RO#96028
SA#07

RESCINDING $1,275,000 FROM A CONVENTION FACILITIES FUND CAPITAL PROJECT AND RE-APPROPRIATING THE FUNDS TO THE MAYOR'S OFFICE OF COMMUNITY DEVELOPMENT FOR PREDEVELOPMENT, DESIGN AND PROPERTY PURCHASE COSTS OF THE GAY/LESBIAN COMMUNITY CENTER FOR FISCAL YEAR 1996-97. PLACING $1,200,000 ON RESERVE.

Be it ordained by the people of the City and County of San Francisco:

Section 1. Funds are hereby appropriated for FY 1996-1997 as follows:

Department and Number	Source of Funds and Purpose of Appropriation	Amount Debit	Amount Credit
Fund			
2S-CFF-CPR	Convention Facility Fund - Continuing Project		
Department			
GE-GEN25	General Responsibility - Mayor		
Program			
FCZ	General City Responsibilities		
Project			
CCF108-99	Reserve for Capital Commitment		
Funding Sources			
067-06700 (972600)	Capital Improvement Project	$1,275,000	
Department			
MY-MYR17	Mayor's Office of Comm Dev.		
Program			
FGL	Gay/Lesbian Comm. Center		
Project			
CCF101-01	Gay/Lesbian Comm. Ctr. Project		
Funding Uses			
067-06700 (MYR17MOCFFP)	Capital Improvement Project		$1,275,000
	Total	$1,275,000	$1,275,000

Mayor Willie L. Brown, Jr.
Supervisors Katz, Leal, Ammiano, Kaufman, Yaki, Hsieh, Shelley, Bierman, Alioto, Teng, Brown

BOARD OF SUPERVISORS

Section 2. Funds in the amount of $1,200,000 for design and property purchase costs are hereby placed on reserve pending selection of the contractor, the MBE/WBE status of the contractor and finalized cost details.

APPROVED AS TO FORM:
LOUISE H. RENNE, CITY ATTORNEY

BY Theodore R. Lakey
DEPUTY CITY ATTORNEY

n:\ord\approp\96ad07

FUNDS AVAILABLE:
EDWARD M. HARRINGTON
CONTROLLER

BY John W. Arendell

BOARD OF SUPERVISORS

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Board of Supervisors, San Francisco

Passed for Second Reading	§	Finally Passed
	§	
August 12, 1996	§	August 19, 1996
	§	
	§	
Ayes: Supervisors Bierman Katz Kaufman Shelley Teng Yaki	§	Ayes: Supervisors Ammiano Bierman Brown Katz Kaufman Shelley Yaki
	§	
Absent: Supervisors Alioto Ammiano Brown Hsieh Leal	§	Absent: Supervisors Alioto Hsieh Leal Teng

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Acting Clerk

File No.
101-96-7

AUG 21 1996
Date Approved

Mayor

Doc. Section

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FILE NO. 154-96-1.1 ORDINANCE NO. 334-96

[ADULT AND JUVENILE PROBATION DEPARTMENTS]

AUTHORIZING AMENDMENT TO THE CONTRACT BETWEEN THE CITY AND COUNTY OF SAN FRANCISCO AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM, TO TRANSFER PRIOR SERVICE FOR SAFETY MEMBERS IN THE ADULT AND JUVENILE PROBATION DEPARTMENTS WHO ELECTED PROSPECTIVE MEMBERSHIP ON SEPTEMBER 1, 1990.

Be it ordained by the People of City and County of San Francisco:

Section 1. An amendment to the contract between the City and County of San Francisco and the Board of Administration, California Public Employees' Retirement System, is hereby authorized, a copy of said amendment being on file in the office of the Clerk of the Board of Supervisors in File No. 154-96-1 and by this reference made a part hereof as though herein set forth in full.

Section 2. The President of the Board of Supervisors is hereby authorized, empowered and directed to execute said amendment for and on behalf of the City and County of San Francisco.

Section 3. This ordinance shall take effect thirty days after the date of its enactment, and prior to the expiration of five days from the date of passage of said ordinance the title thereof shall be published at least once in the San Francisco Independent, a newspaper of general circulation, published and circulated in the City and County of San Francisco, and thenceforth and thereafter the same shall be in full force and effect.

APPROVED AS TO FORM:

LOUISE H. RENNE, City Attorney

By: _____
Deputy City Attorney

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Board of Supervisors, San Francisco

Passed for Second Reading	$	Finally Passed
	$	
July 29, 1996	$	September 3, 1996
	$	
	$	
Ayes: Supervisors Ammiano Bierman	$	Ayes: Supervisors Alioto Ammiano
Brown Katz Kaufman Leal Shelley	$	Hsieh Katz Kaufman Leal Shelley
Teng Yaki	$	Teng Yaki
	$	
Absent: Supervisors Alioto Hsieh	$	Absent: Supervisors Bierman Brown

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John L. Taylor
Clerk

File No.
154-96-1.1

SEP - 5 1996
Date Approved

Mayor

FILE NO. 118-96-5 ORDINANCE NO. 335-96

[Lead Hazard Reduction Citizens Advisory Committee]

AMENDING DIVISION II OF ARTICLE 26 OF THE HEALTH CODE OF THE CITY AND COUNTY OF SAN FRANCISCO BY AMENDING SECTION 1608, WHICH ESTABLISHES AND EMPOWERS THE SAN FRANCISCO LEAD HAZARD REDUCTION CITIZENS ADVISORY COMMITTEE, BY REDUCING ITS MEMBERSHIP FROM 23 MEMBERS TO 21 MEMBERS, DELETING REPRESENTATIVES FROM THE DEPARTMENT OF PUBLIC HEALTH, AND THE INSURANCE INDUSTRY.

Note: Additions or substitutions are <u>underlined</u>; deletions are in ((double parentheses)).

Be it ordained by the People of the City and County of San Francisco:

Section 1. Division II of Article 26 of the Health Code of the City and County of San Francisco is hereby amended by amending Section 1608 to read as follows:

SEC. 1608. LEAD HAZARD REDUCTION CITIZENS ADVISORY COMMITTEE. (a) There is hereby established a Lead Hazard Reduction Citizens Advisory Committee (hereafter, the "Advisory Committee") of the City and County of San Francisco. The Advisory Committee shall (i) recommend to the Board of Supervisors a range of options for a lead hazard reduction program for residential Dwelling Units, and (ii) provide consultation and assistance to the Director upon the Director's request with respect to the implementation of those provisions when they become effective. The Advisory Committee shall submit a report to the Board of Supervisors within one year of the

effective date of this ordinance and annually thereafter. The report shall at a minimum include recommendations on the following matters:

(1) Acceptable levels of exposure to various sources of lead;

(2) The circumstances under which responsible parties must reduce lead exposure hazards to avoid imminent hazards and potential health risks to persons;

(3) A priority based schedule of classes of Dwelling Units and premises where owners or operators must reduce lead hazards based on various factors, such as the age and condition of a building, and the age of the occupants;

(4) Provisions to insure that occupants are relocated to lead-safe housing during lead hazard reduction activities where necessary;

(5) Acceptable lead hazard reduction methods;

(6) Containment and cleanup measures to be taken as part of the lead hazard reduction activities;

(7) Occupational safety and health provisions for inspectors, contractors, supervisors, workers and other persons who perform lead hazard reduction;

(8) Provisions to protect the health and safety of occupants, neighbors and the public from exposure to lead during lead hazard reduction activities;

(9) Provisions for insuring safe disposal of lead contaminated waste;

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(10) The qualifications necessary for any person (contractors, supervisors, consultants, and workers) to perform lead hazard work:

(11) Assess the extent of the need to implement lead hazard reduction efforts, the potential impact of alternative lead hazard reduction measures on tenants and landlords, and the most effective way to implement the program to reduce lead hazard risks;

(12) Provide advice to the Mayor's Office with respect to the development of proposed incentive programs pursuant to Section 1630 when the Mayor's Office requests such assistance.

(13) Appropriate financing mechanisms for any proposals recommended.

8/8/96 jlb (b) The Advisory Committee shall consist of ((23)) ~~20~~ 21 members appointed by the Board of Supervisors. The members shall consist of representatives, or their designee, from each of the following categories;

(1) Affordable housing developers: One representative;

(2) Bureau of Building Inspection: One representative;

(3) Painting contractors: Two representatives;

(4) Building trade: One representative;

(5) Child care: One representative;

(6) Mayor's Office: One representative involved in housing and community development issues;

(((7) Department of Public Health: One representative;))

(((8))) (7) Public interest organization: One representative;

(((9))) (8) Residential owners: Two representatives;

(((10))) (9) Tenant organizations: Three representatives;

(((11))) (10) Testing expert: One representative;

(((12))) (11) Abatement expert: One representative;

(((13))) (12) Financial expert: One representative;

(((14))) (13) Physician: One representative;

(((15) Insurance industry: One representative;))

(((16))) (14) Parent: One representative;

(((17))) (15) United States Environmental Protection Agency, CAL/OSHA, San Francisco Housing Authority: Three representatives; one from each agency to serve as ex officio members.

The Director, or his or her designee, shall attend all meetings of the Advisory Committee.

(c) Members of the committee shall serve without compensation or reimbursement for expenses. In the event a vacancy occurs, the Board of Supervisors shall appoint a successor from the same category.

(d) At the initial meeting of the Advisory Committee, and yearly, thereafter, the Advisory Committee members shall select such officers deemed necessary by the Advisory Committee. The Advisory Committee shall establish rules and regulations for its own organization and procedure and shall meet when necessary as determined by the Advisory Committee. All meetings shall, except as provided by general law, be open to the public.

(e) The establishment of the Lead Hazard Reduction Committee is not intended to limit the efforts currently engaged in by City

departments to reduce the risks of exposure to lead.

(f) The Director shall provide clerical assistance to the Lead Hazard Reduction Citizens Advisory Committee and its subcommittees.

(g) The Director and the Advisory Committee shall take the following actions to address lead hazards in Dwelling Units subject to inspection under Section 1626.

(1) The Director shall draft Proposed Interim Lead Hazard Reduction Guidelines designed to assist the Advisory Committee in its presentation under Section 1608(g)(2), and present them to the Advisory Committee at its first meeting.

(2) Within six months after the effective date of this Section, the Advisory Committee shall present Final Interim Lead Hazard Reduction Guidelines ("Interim Guidelines"), including any changes recommended by the Advisory Committee, to the Board of Supervisors in the form of a draft ordinance. The Interim Guidelines shall be designed to be effective pending enactment of any ordinance based on the Advisory Committee's recommendations under Section 1608(a).

(3) The Interim Guidelines shall be developed in accordance with sound medical practice and current technical knowledge, and include at least the following:

(A) Procedures requiring the owner of a dwelling inspected pursuant to Section 1626 to reduce lead hazards;

(B) The amount or concentration of lead that creates a threat of cases of childhood lead poisoning, and the allowable means of detection;

(C) The surfaces where lead hazard reduction must be performed. These surfaces shall include areas accessible to children and areas where the condition of the paint, plaster or other surface covering is deteriorating and resulting in accessibility of lead paint to children;

(D) Acceptable methods of lead hazard reduction prescribing the removal or adequate covering of lead-based paint. Repainting with common non-lead-based paint, or covering with easily removable materials shall not constitute acceptable methods of lead hazard reduction. Acceptable methods shall prohibit reduction techniques which may damage the health of residents, neighbors or workers. Acceptable methods shall include cleanup and containment procedures;

(E) Procedures for inspections after lead hazard reduction work is completed, and for certification that lead hazards have been reduced in accordance with the Interim Guidelines;

(F) Procedures requiring notice of the risks of lead paint hazards to tenants, purchasers of real estate, and purchasers of home improvement products. The committee shall consider, among other matters it deems appropriate, how to define tenants, whether tenants in certain buildings (such as those newly constructed) need not receive notice; how and when the notice can be disseminated effectively and economically; whether the notice shall be posted in stores selling building materials and hardware; whether the notice shall be required in real estate transactions; and the content of the notice.

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(4) Within six months after the effective date of this Section, the Advisory Committee shall propose legislation to the Board of Supervisors amending Chapter 37 of the San Francisco Administrative Code, the Residential Rent Stabilization and Arbitration Ordinance, to provide whether and under what circumstances the costs of lead hazard reduction may be passed on to tenants, and further to provide protection against permanent displacement of tenants due to lead hazard reduction.

(h) Members of the Lead Hazard Reduction Citizens Advisory Committee shall be appointed for a term of four years; provided, however, that the 23 members first appointed shall, by lot at the first meeting, classify their terms so that seven shall serve for a term of two years, eight shall serve for a term of three years, and eight shall serve for a term of four years.

APPROVED AS TO FORM:

LOUISE H. RENNE, City Attorney

By: Theodore R. Lakey
Deputy City Attorney

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
August 19, 1996	September 3, 1996
Ayes: Supervisors Ammiano Bierman Brown Katz Kaufman Shelley Yaki	Ayes: Supervisors Alioto Ammiano Hsieh Katz Kaufman Leal Shelley Teng Yaki
Absent: Supervisors Alioto Hsieh Leal Teng	Absent: Supervisors Bierman Brown

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John L. Taylor
Clerk

File No.
118-96-5

SEP - 5 1996
Date Approved

Willie L. Brown Jr.
Mayor

FILE NO. 45-96-49

ORDINANCE NO. 336-96

RO#96034

(SETTLEMENT OF LAWSUIT)

AUTHORIZATION OF PARTIAL SETTLEMENT OF LITIGATION OF U.S.A. (DAVIS) v. CITY AND COUNTY OF SAN FRANCISCO, UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF CALIFORNIA, CONSOLIDATED CASES NOS. C84-1100 MHP, C84-7089 MHP FOR $161,731.15

Be it ordained by the People of the City and County of San Francisco:

Section 1. The City Attorney is hereby authorized to pay a partial settlement of the action entitled "U.S.A. (Davis) v. City and County of San Francisco," United States District Court, Northern District of California, Consolidated cases Nos. C84-1100 MHP, C84-7089 MHP, by the payment of $161,731.15.

APPROVED AS TO FORM
RECOMMENDED:

LOUISE H. RENNE
City Attorney

PATRICK J. MAHONEY
Chief Trial Attorney

RECOMMEND:

SAN FRANCISCO FIRE DEPARTMENT

ROBERT DEMMONS, chief

FUNDS AVAILABLE:

EDWARD J. HARRINGTON
Controller

APPROVED:
FIRE COMMISSION

RAYMOND G. CONNORS, JR.
Secretary

BOARD OF SUPERVISORS

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
September 3, 1996	September 9, 1996
Ayes: Supervisors Alioto Ammiano Hsieh Katz Kaufman Leal Shelley Teng Yaki	Ayes: Supervisors Alioto Ammiano Bierman Brown Hsieh Katz Kaufman Shelley Teng Yaki
Absent: Supervisors Bierman Brown	Absent: Supervisor Leal

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No.
45-96-49

SEP 10 1996
Date Approved

Mayor

DOCUMENTS DEPT.
SEP 25 1996
SAN FRANCISCO
PUBLIC LIBRARY

FILE NO. 27-96-9 ORDINANCE NO. 337-96

APPROVING MODIFICATION OF LEASE NO. DFTA08-95-L-14707 BETWEEN FEDERAL AVIATION ADMINISTRATION AND CITY AND COUNTY OF SAN FRANCISCO, ACTING BY AND THROUGH ITS AIRPORTS COMMISSION.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The Board of Supervisors hereby approves the Modification of Lease No. DFTA08-95-L-14707 between Federal Aviation Administration and the City and County of San Francisco, acting by and through its Airports Commission, copies of which Modification are contained in Board of Supervisors' file number 27-96-9. Such approval is granted pursuant to former Charter Section 7.402-1 of the 1932 Charter, converted to ordinance form pursuant to Section 18.103 of the 1996 Charter.

APPROVED AS TO FORM:

LOUISE H. RENNE
City Attorney

By Adrienne Po
Deputy City Attorney

BOARD OF SUPERVISORS

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
September 3, 1996	September 9, 1996
Ayes: Supervisors Alioto Ammiano Hsieh Katz Kaufman Leal Shelley Teng Yaki	Ayes: Supervisors Alioto Ammiano Bierman Brown Hsieh Katz Kaufman Shelley Teng Yaki
Absent: Supervisors Bierman Brown	Absent: Supervisor Leal

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John L. Taylor
Clerk

File No. 27-96-9

SEP 11 1996
Date Approved

Willie L. Brown Jr.
Mayor

DOCUMENTS DEPT.
SEP 25 1996
SAN FRANCISCO PUBLIC LIBRARY

FILE NO. 34-96-7 ORDINANCE NO. 338-96

[Changing Width of Sidewalk]

AMENDING ORDINANCE NO. 1061 ENTITLED "REGULATING THE WIDTH OF SIDEWALKS" BY ADDING THERETO SECTION NO. 1527 CHANGING THE OFFICIAL SIDEWALK WIDTHS ON CHURCH STREET BETWEEN 24TH STREET AND JERSEY STREET, ON CHURCH STREET BETWEEN 24TH STREET AND ELIZABETH STREET, ON 24TH STREET AT CHURCH STREET, ON CHURCH STREET BETWEEN 29TH STREET AND DAY STREET, ON DAY STREET AT CHURCH STREET, ON CHURCH STREET BETWEEN DAY STREET AND 30TH STREET, ON TARAVAL STREET AND 22ND AVENUE, ON 22ND AVENUE BETWEEN SANTIAGO STREET AND TARAVAL STREET, ON OCEAN AVENUE AND ASHTON AVENUE, AND ON SAN JOSE AVENUE NORTH OF SENECA AVENUE, COLLECTIVELY KNOWN AS MUNI KEYSTOP PHASE "C", AND AS SHOWN ON THE DEPARTMENT OF PUBLIC WORKS DRAWINGS LABELED Q-20-446, Q-20-447, Q-20-449 THROUGH Q-20-456, INCLUSIVE AND MAKING FINDINGS PURSUANT TO PLANNING CODE SECTION 101.1.

Be it ordained by the people of the City and County of San Francisco:

SECTION 1: Ordinance No. 1061 entitled " Regulating the Width of Sidewalks", be and is hereby amended in accordance with the communication filed in the Office of the Clerk of the Board of Supervisors, by adding thereto a new section to be numbered as follows:

Section 1527. The width of sidewalks on :

(a) The east side of Church Street between 24th Street and Jersey Street, shall be as shown on the Department of Public Works drawing Q-20-446;

(b) The west side of Church Street between 24th Street and Elizabeth Street, shall be as shown on the Department of Public Works drawing Q-20-447;

(c) The north side of 24th Street east of Church Street, shall be as shown on the Department of Public Works drawing Q-20-449;

(d) The east side of Church Street between 29th Street and Day Street, shall be as shown on the Department of Public Works drawing Q-20-450;

(e) The south side of Day Street west of Church Street, shall be as shown on the Department of Public Works drawing Q-20-451;

(f) The west side of Church Street between Day Street and 30th Street, shall be as shown on the Department of Public Works drawing Q-20-452;

(g) The southeast corner of Taraval Street and 22nd Avenue, shall be as shown on the Department of Public Works drawing Q-20-453;

(h) The west side of 22nd Avenue between Santiago Street and Taraval Street, shall be as shown on the Department of Public Works Q-20-454;

(i) The southeast corner of Ocean Avenue and Ashton Avenue, shall be as shown on the Department of Public Works drawing Q-20-455;

(j) The east side of San Jose Avenue north of Seneca Avenue, shall be as shown on the Department of Public Works drawing Q-20-456.

SECTION 2: The Planning Department in its letter dated February 22,1996 states that the above described changes of official sidewalk widths are in conformity with the Master Plan and makes findings of consistency with the Eight Priority Policies of Planning Code Section 101.1.

The San Francisco Board of Supervisors adopts as its own and incorporates by reference herein as though fully set forth the findings made by the Planning Department in its letter dated February 22,1996, that the project intended by the proposed changes of official sidewalk widths are consistent with the Eight Priority Policies of Planning Code Section 101.1.

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PUBLIC LIBRARY

MUNI, as is necessary as a result of this Ordinance, shall make arrangements with Public Utility companies and City Departments for the relocation and / or adjustment of their facilities in the affected sidewalk and street areas.

RECOMMENDED:

Director of Public Works

DESCRIPTION APPROVED:

Chief Surveyor

APPROVED AS TO FORM:
LOUISE RENNE, CITY ATTORNEY

By
Deputy City Attorney

APPROVED:

City Administrator

BOARD OF SUPERVISORS

cc

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
September 3, 1996	September 9, 1996
Ayes: Supervisors Alioto Ammiano Hsieh Katz Kaufman Leal Shelley Teng Yaki	Ayes: Supervisors Alioto Ammiano Bierman Brown Hsieh Katz Kaufman Shelley Teng Yaki
Absent: Supervisors Bierman Brown	Absent: Supervisor Leal

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No.
34-96-7

SEP 11 1996
Date Approved

Mayor

FILE NO. 45-96-40

ORDINANCE NO. 339-96

RO#96016

[SETTLEMENT OF LAWSUIT]
AUTHORIZING SETTLEMENT OF LITIGATION OF JENICE COLE AGAINST THE CITY AND COUNTY OF SAN FRANCISCO for $12,000.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The City Attorney is hereby authorized to settle the action entitled "JENICE COLE V. CITY AND COUNTY OF SAN FRANCISCO, et al., "Municipal Court No. 114-424, by the payment of $12,000.

APPROVED AS TO FORM AND RECOMMENDED:

LOUISE H. RENNE
City Attorney

PATRICK J. MAHONEY
Chief Trial Deputy

RECOMMENDED:

SAN FRANCISCO POLICE DEPARTMENT

FRED H. LAU, Chief

APPROVED:

SAN FRANCISCO POLICE COMMISSION

SECRETARY

FUNDS AVAILABLE:

CONTROLLER

IG-AGF-AAA 38-00-00
385036 05300 $12,000.00

JUL 17 1996

BOARD OF SUPERVISORS

Board of Supervisors, San Francisco

Passed for Second Reading	$	Finally Passed
	$	
September 3, 1996	$	September 9, 1996
	$	
	$	
Ayes: Supervisors Alioto Ammiano Hsieh Katz Kaufman Leal Shelley Teng Yaki	$	Ayes: Supervisors Alioto Ammiano Bierman Brown Hsieh Katz Kaufman Shelley Teng Yaki
	$	
Absent: Supervisors Bierman Brown	$	Absent: Supervisor Leal

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No.
45-96-40

SEP 11 1996
Date Approved

Mayor

DOCUMENTS DEPT.

SEP 25 1996

SAN FRANCISCO
PUBLIC LIBRARY

FILE NO.: 45-96-41 ORDINANCE NO. 340-96

RO#96014

[SETTLEMENT OF LAWSUIT]

AUTHORIZING SETTLEMENT OF LITIGATION OF EDWARD EVERETT-RONNING AGAINST THE CITY AND COUNTY OF SAN FRANCISCO for $30,000.00.

Be it ordained by the People of the City and County of San Francisco:

Section I. The City Attorney is hereby authorized to settle the action entitled "Edward Everett-Ronning v. City and County of San Francisco, et al.," San Francisco Superior Court No. 965789 by the payment of $30,000.00:

LOUISE H. RENNE
City Attorney

PATRICK J. MAHONEY
Chief Trial Deputy

RECOMMENDED:
SAN FRANCISCO POLICE DEPARTMENT

FRED LAU
Chief of Police

FUNDS AVAILABLE:

EDWARD M. HARRINGTON
Controller

IG-AGF-AAA 38-00-00
385036 05300 $30,000.00
JUL 17 1996

APPROVED:

SAN FRANCISCO POLICE COMMISSION

MANUEL BARRETTA
Secretary to the San Francisco Police Commission

BOARD OF SUPERVISORS

Board of Supervisors, San Francisco

Passed for Second Reading	§	Finally Passed
September 3, 1996	§	September 9, 1996
Ayes: Supervisors Alioto Ammiano Hsieh Katz Kaufman Leal Shelley Teng Yaki	§	Ayes: Supervisors Alioto Ammiano Bierman Brown Hsieh Katz Kaufman Shelley Teng Yaki
Absent: Supervisors Bierman Brown	§	Absent: Supervisor Leal

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No. 45-96-41

SEP 11 1996
Date Approved

Mayor

DOCUMENTS DEPT.
SEP 25 1996
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FILE NO. 45-96-42

ORDINANCE NO. 341-96

RO#96015

[SETTLEMENT OF LAWSUIT]
AUTHORIZING SETTLEMENT OF LITIGATION OF TRACY BRIDGEWATER AGAINST THE CITY AND COUNTY OF SAN FRANCISCO for $18,000.00.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The City Attorney is hereby authorized to settle the action entitled "TRACY BRIDGEWATER V. CITY AND COUNTY OF SAN FRANCISCO, et al., "Superior Court No. 971-635, by the payment of $18,000.00.

APPROVED AS TO FORM AND RECOMMENDED:

LOUISE H. RENNE
City Attorney

PATRICK J. MAHONEY
Chief Trial Deputy

RECOMMENDED:

POLICE DEPARTMENT

FRED LAU, Chief of Police

APPROVED:

POLICE COMMISSION

SECRETARY

FUNDS AVAILABLE:

CONTROLLER

IG-AGF-AAA 38-00-00
385036 05300 $18,000.00
JUL 17 1996

BOARD OF SUPERVISORS

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
September 3, 1996	September 9, 1996
Ayes: Supervisors Alioto Ammiano Hsieh Katz Kaufman Leal Shelley Teng Yaki	Ayes: Supervisors Alioto Ammiano Bierman Brown Hsieh Katz Kaufman Shelley Teng Yaki
Absent: Supervisors Bierman Brown	Absent: Supervisor Leal

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No.
45-96-42

SEP 11 1996
Date Approved

Mayor

DOCUMENTS DEPT.
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FILE NO. 45-96-43

ORDINANCE NO. 342-96

RO#96017

[SETTLEMENT OF LAWSUIT]

AUTHORIZING SETTLEMENT OF LITIGATION OF GARY SARGENT AGAINST THE CITY AND COUNTY OF SAN FRANCISCO for $20,000.

Be it ordained by the People of the City and County of San Francisco:

Section I. The City Attorney is hereby authorized to settle the action entitled "GARY SARGENT v. City and County of San Francisco, et al.," United States District Court No. C94-3551 by the payment of $20,000:

LOUISE H. RENNE
City Attorney

PATRICK J. MAHONEY
Chief Trial Deputy

RECOMMENDED:

SAN FRANCISCO POLICE DEPARTMENT

FRED LAU
Chief of Police

FUNDS AVAILABLE:

EDWARD M. HARRINGTON
Controller

1G-AGF-AAA 38-00-00
385036 05300 $20,000.00

JUL 17 1996

APPROVED:

SECRETARY
Police Commission

BOARD OF SUPERVISORS

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
September 3, 1996	September 9, 1996
Ayes: Supervisors Alioto Ammiano Hsieh Katz Kaufman Leal Shelley Teng Yaki	Ayes: Supervisors Alioto Ammiano Bierman Brown Hsieh Katz Kaufman Shelley Teng Yaki
Absent: Supervisors Bierman Brown	Absent: Supervisor Leal

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John Taylor
Clerk

File No.
45-96-43

SEP 11 1996
Date Approved

Mayor

DOCUMENTS DEPT.
SEP 25 1996
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PUBLIC LIBRARY

FILE NO. 45-96-44 ORDINANCE NO. 343-96

RO#96021

[SETTLEMENT OF LAWSUIT]

AUTHORIZING SETTLEMENT OF LITIGATION OF MARGIE FRYE AGAINST THE CITY AND COUNTY OF SAN FRANCISCO for $75,000.00.

Be it ordained by the People of the City and County of San Francisco:

Section I. The City Attorney is hereby authorized to settle the action entitled "Margie Frye, et al., v. City and County of San Francisco, et al.," Superior Court No. 967-971 by the payment of $75,000.00:

LOUISE H. RENNE
City Attorney

PATRICK J. MAHONEY
Chief Trial Deputy

RECOMMENDED:

DEPARTMENT OF PUBLIC HEALTH

SANDRA HERNANDEZ, M.D.
Director

FUNDS AVAILABLE:

EDWARD M. HARRINGTON
Controller

1G-AGF-AAA 97-09-86
975027 05311 $75,000.00

JUL 24 1996

APPROVED:

SECRETARY
Public Health Commission

BOARD OF SUPERVISORS

Board of Supervisors, San Francisco

Passed for Second Reading

September 3, 1996

Ayes: Supervisors Alioto Ammiano Hsieh Katz Kaufman Leal Shelley Teng Yaki

Absent: Supervisors Bierman Brown

Finally Passed

September 9, 1996

Ayes: Supervisors Alioto Ammiano Bierman Brown Hsieh Katz Kaufman Shelley Teng Yaki

Absent: Supervisor Leal

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No. 45-96-44

SEP 11 1996
Date Approved

Mayor

DOCUMENTS DEPT.
SEP 25 1996
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FILE NO. 45-96-45

ORDINANCE NO. 344-96

RO#960 20

(Settlement)

AUTHORIZATION FOR SETTLEMENT OF THE LITIGATION OF STEWART V. CITY AND COUNTY OF SAN FRANCISCO, ET AL., UNITED STATES DISTRICT COURT, N. D. CAL. CASE NO. C90-3206 CAL, IN THE AMOUNT OF ONE HUNDRED AND SEVENTY-EIGHT THOUSAND THREE HUNDRED-EIGHTY DOLLARS AND NINE CENTS ($178,380.09).

Be it ordained by the People of the City and County of San Francisco:

Section 1. The City Attorney is hereby authorized to settle the court action entitled "Stewart v. City and County of San Francisco, et al., United States District Court, N. D. Cal. Case No. C90-3206 CAL" in the amount of one hundred and seventy-eight thousand three hundred-eighty dollars and nine cents ($178,380.09).

APPROVED AS TO FORM AND RECOMMENDED:

LOUISE H. RENNE
City Attorney

JONATHAN V. HOLTZMAN
Chief Deputy City Attorney

FUNDS AVAILABLE:

EDWARD M. HARRINGTON
Controller

1G-AGF-AAA 97-09-09
975018 05311 $178,380.09

JUL 24 1996

BOARD OF SUPERVISORS

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
September 3, 1996	September 9, 1996
Ayes: Supervisors Alioto Ammiano Hsieh Katz Kaufman Leal Shelley Teng Yaki	Ayes: Supervisors Alioto Ammiano Bierman Brown Hsieh Katz Kaufman Shelley Teng Yaki
Absent: Supervisors Bierman Brown	Absent: Supervisor Leal

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No. 45-96-45

SEP 11 1996
Date Approved

Mayor

DOCUMENTS DEPT
SEP 25 1996
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PUBLIC LIBRARY

FILE NO. 45-96-46

ORDINANCE NO. 345-96

RO#96019

(Settlement)

AUTHORIZATION FOR SETTLEMENT OF THE LITIGATION OF SILBERBERG V. CITY AND COUNTY OF SAN FRANCISCO, ET AL., UNITED STATES DISTRICT COURT, N. D. CAL. CASE NO. C95-2548 FMS IN THE AMOUNT OF ONE HUNDRED AND FIFTEEN THOUSAND DOLLARS ($115,000.00).

Be it ordained by the People of the City and County of San Francisco:

Section 1. The City Attorney is hereby authorized to settle the court action entitled "Silberberg v. City and County of San Francisco, et al., United States District Court, N. D. Cal. Case No. C95-2548 FMS" in the amount of one hundred and fifteen thousand dollars ($115,000.00).

APPROVED AS TO FORM AND RECOMMENDED:

LOUISE H. RENNE
City Attorney

VICKI A. CLAYTON
Deputy City Attorney

APPROVED:

STEVEN NELSON
Chief of Staff
Office of the Chief Administrative Officer

FUNDS AVAILABLE:

EDWARD M. HARRINGTON
Controller

IG-AGF-AAA 97-09-70
975008 05311 $115,000.00

JUL 22 1996

BOARD OF SUPERVISORS

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
September 3, 1996	September 9, 1996
Ayes: Supervisors Alioto Ammiano Hsieh Katz Kaufman Leal Shelley Teng Yaki	Ayes: Supervisors Alioto Ammiano Bierman Brown Hsieh Katz Kaufman Shelley Teng Yaki
Absent: Supervisors Bierman Brown	Absent: Supervisor Leal

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No. 45-96-46

SEP 11 1996
Date Approved

Mayor

DOCUMENTS DEPT
SEP 25 1996
SAN FRANCISCO PUBLIC LIBRARY

FILE NO. 45-96-47

ORDINANCE NO. 346-96

RO#96024

[SETTLEMENT OF LAWSUIT]

AUTHORIZING SETTLEMENT OF LITIGATION OF EVERETTE AGAINST THE CITY AND COUNTY OF SAN FRANCISCO for $95,000.

Be it ordained by the People of the City and County of San Francisco:

Section I. The City Attorney is hereby authorized to settle the action entitled "Everette, et al., v. City and County of San Francisco, et al.,"United States District Court No. C95-0453 by the payment of $95,000:

LOUISE H. RENNE
City Attorney

PATRICK J. MAHONEY
Chief Trial Deputy

RECOMMENDED:

SAN FRANCISCO POLICE DEPARTMENT

FRED LAU
Chief of Police

FUNDS AVAILABLE:

EDWARD M. HARRINGTON
Controller

1G-AGF-AAA 38-00-00
385036 05311 $95,000.00

JUL 24 1996

APPROVED:

SECRETARY
Police Commission

BOARD OF SUPERVISORS

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
September 3, 1996	September 9, 1996
Ayes: Supervisors Alioto Ammiano Hsieh Katz Kaufman Leal Shelley Teng Yaki	Ayes: Supervisors Alioto Ammiano Bierman Brown Hsieh Katz Kaufman Shelley Teng Yaki
Absent: Supervisors Bierman Brown	Absent: Supervisor Leal

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No.
45-96-47

SEP 11 1996
Date Approved

Mayor

DOCUMENTS DEPT

SEP 25 1996

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FILE NO. 45-96-48

ORDINANCE NO. 347-96

RO#96023

[SETTLEMENT OF LAWSUIT]

AUTHORIZING SETTLEMENT OF THE CROSS-CLAIM BROUGHT BY RICHARD HONGISTO AGAINST THE CITY AND COUNTY OF SAN FRANCISCO FOR REIMBURSEMENT OF COSTS OF DEFENSE IN THE ACTION COMING UP, INC. ET AL. V. CITY AND COUNTY OF SAN FRANCISCO, ET AL. IN THE AMOUNT OF $140,000.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The City Attorney is hereby authorized to settle the cross-claim brought by Richard Hongisto against the City and County of San Francisco for reimbursement of costs of defense in the action Coming Up, Inc., et al. v. City and County of San Francisco, et al., United States District Court No. C 92-3714 and Court of Appeals Nos. 95-15689 and 95-15903 by paying $140,000 towards the cost of Hongisto's defense in the above-captioned action.

APPROVED AS TO FORM AND RECOMMENDED:

LOUISE H. RENNE
City Attorney

PATRICK MAHONEY
Chief Trial Deputy

RECOMMENDED:

POLICE DEPARTMENT

FRED H. LAU
Chief of Police

BOARD OF SUPERVISORS

FUNDS AVAILABLE:

EDWARD M. HARRINGTON
Controller

1G-AGF-AAA 38-00-00
385036 05311 $140,000.00

JUL 24 1996

APPROVED:

Secretary

BOARD OF SUPERVISORS

DOCUMENTS DEPT.
SEP 25 1996
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PUBLIC LIBRARY

cc

Board of Supervisors, San Francisco

Passed for Second Reading	$	Finally Passed
	$	
September 3, 1996	$	September 9, 1996
	$	
	$	
Ayes: Supervisors Alioto Ammiano Hsieh Katz Kaufman Leal Shelley Teng Yaki	$	Ayes: Supervisors Alioto Ammiano Bierman Brown Hsieh Katz Kaufman Shelley Teng Yaki
	$	
Absent: Supervisors Bierman Brown	$	Absent: Supervisor Leal

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No.
45-96-48

SEP 11 1996
Date Approved

Mayor

As amended in Committee
August 20, 1996.

FILE NO. 45-96-50

ORDINANCE NO. 348-96

RO#96033

(Settlement)

AUTHORIZATION FOR SETTLEMENT OF THE 1993-94 AND 1994-95 WAGE FREEZE LITIGATION: OPERATING ENGINEERS, LOCAL 3, ET AL. v. CITY AND COUNTY OF SAN FRANCISCO, SUPERIOR COURT CASE NO. 953-407 AND GLAZIERS, LOCAL 718, ET AL. v. CITY AND COUNTY OF SAN FRANCISCO, ET AL., SUPERIOR COURT NO. 962-366, IN THE AMOUNT OF SEVENTY-~~FOUR~~ FIVE THOUSAND FOUR HUNDRED SIX DOLLARS ~~($74,406.00)~~ $75,406.00. mlr 8/20

Be it ordained by the People of the City and County of San Francisco:

Section 1. The City Attorney is hereby authorized to settle the court action referenced above as Wage Freeze Litigation entitled "Operating Engineers, Local 3, et al. v. City and County of San Francisco, et al., Superior Court Case No. 953-407 and Glaziers, Local 718, et al. v. City and County of San Francisco, et al., Superior Court Case No. 962-366" in the amount of approximately seventy-~~four~~ five thousand four hundred six dollars ~~($74,406.00)~~ $75,406.00. mlr 8/20 mlr 8/20

APPROVED AS TO FORM AND RECOMMENDED:

LOUISE H. RENNE
City Attorney

JONATHAN V. HOLTZMAN
Chief Deputy City Attorney

FUNDS AVAILABLE:

EDWARD M. HARRINGTON
Controller

1G-AGF-AAA	09-00-00	$75,406.00
*CON1GAGFAAA	097S1	~~$74,406.00~~

mlr 8/20

AUG 07 1996

BOARD OF SUPERVISORS

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
September 3, 1996	September 9, 1996
Ayes: Supervisors Alioto Ammiano Hsieh Katz Kaufman Leal Shelley Teng Yaki	Ayes: Supervisors Alioto Ammiano Bierman Brown Hsieh Katz Kaufman Shelley Teng Yaki
Absent: Supervisors Bierman Brown	Absent: Supervisor Leal

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No. 45-96-50

SEP 11 1996
Date Approved

Mayor

DOCUMENTS DEPT
SEP 25 1996
SAN FRANCISCO
PUBLIC LIBRARY

FILE NO. 46-96-10 ORDINANCE NO. 349-96

[SETTLEMENT OF LAWSUIT]

AUTHORIZING SETTLEMENT OF LITIGATION OF CITY AND COUNTY OF SAN FRANCISCO AGAINST GIANTS OF TAMPA BAY, LIMITED, ET AL. for $349,251.10.

Be it ordained by the People of the City and County of San Francisco:

Section I. The City Attorney is hereby authorized to settle the action entitled " *City and County of San Francisco v. Giants of Tampa Bay Limited, et al.,*" Monterey Superior Court No. 94974 by the payment of $349,251.10.

APPROVED AS TO FORM AND RECOMMENDED:

LOUISE H. RENNE
City Attorney

PATRICK J. MAHONEY
Chief Trial Deputy

RECOMMENDED:

RECREATION AND PARK DEPARTMENT

JOEL ROBINSON
General Manager

FUNDS AVAILABLE:

HOWARD M. HARRINGTON
Controller

APPROVED:

SECRETARY
Recreation and Park Commission

BOARD OF SUPERVISORS

Board of Supervisors, San Francisco

Passed for Second Reading	§	Finally Passed
September 3, 1996	§	September 9, 1996
Ayes: Supervisors Alioto Ammiano Hsieh Katz Kaufman Leal Shelley Teng Yaki	§	Ayes: Supervisors Alioto Ammiano Bierman Brown Hsieh Katz Kaufman Shelley Teng Yaki
Absent: Supervisors Bierman Brown	§	Absent: Supervisor Leal

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No. 46-96-10

SEP 11 1996
Date Approved

Mayor

DOCUMENTS DEPT
SEP 25 1996
SAN FRANCISCO PUBLIC LIBRARY

FILE NO. 48-96-28 ORDINANCE NO. 350-96

[SETTLEMENT OF UNLITIGATED CLAIM]

AUTHORIZING SETTLEMENT OF LITIGATION OF FRANCIE MOELLER, ET AL. V. CITY AND COUNTY OF SAN FRANCISCO for $345,700.00.

Be it ordained by the People of the City and County of San Francisco:

Section I. The City Attorney is hereby authorized to settle the action entitled "Francie Moeller, et al. v. City and County of San Francisco," an unlitigated claim, by the payment of $345,700.00.

APPROVED AS TO FORM AND RECOMMENDED:

LOUISE H. RENNE
City Attorney

PATRICK J. MAHONEY
Chief Trial Deputy

RECOMMENDED:

RECREATION AND PARK DEPARTMENT

JOEL ROBINSON
General Manager

FUNDS AVAILABLE:

EDWARD M. HARRINGTON
Controller

APPROVED:

SECRETARY
Recreation and Park Commission

BOARD OF SUPERVISORS

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
September 3, 1996	September 9, 1996
Ayes: Supervisors Alioto Ammiano Hsieh Katz Kaufman Leal Shelley Teng Yaki	Ayes: Supervisors Alioto Ammiano Bierman Brown Hsieh Katz Kaufman Shelley Teng Yaki
Absent: Supervisors Bierman Brown	Absent: Supervisor Leal

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco.

Clerk

File No. 48-96-28

SEP 11 1996
Date Approved

Mayor

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FILE NO. 93-96-28 ORDINANCE NO. 351-96

(Retirement)

ADOPTING AND IMPLEMENTING THE PROVISIONS OF AMENDMENT NUMBER 1 TO THE MEMORANDUM OF UNDERSTANDING BETWEEN THE BUILDING INSPECTORS ASSOCIATION AND THE CITY AND COUNTY OF SAN FRANCISCO PROVIDING THAT ALL COVERED EMPLOYEES BE PLACED INTO FULL RETIREMENT CONTRIBUTION STATUS EFFECTIVE TWO PAY PERIODS AFTER APPROVAL OF THIS ORDINANCE BY THE MAYOR.

Be it ordained by the People of the City and County of San Francisco.

Section 1. The Board of Supervisors hereby implements the provisions of amendment 1 to the Memorandum of Understanding between the Building Inspectors Association and the City and County of San Francisco providing that all covered employees be placed into full retirement contribution status effective two pay periods after approval of this ordinance by the Mayor. The provisions so implemented are on file in the office of the Board of Supervisors.

APPROVED AS TO FORM

LOUISE H. RENNE
CITY ATTORNEY

DEPUTY CITY ATTORNEY

BOARD OF SUPERVISORS

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
September 3, 1996	September 9, 1996
Ayes: Supervisors Alioto Ammiano Hsieh Katz Kaufman Leal Shelley Teng Yaki	Ayes: Supervisors Alioto Ammiano Bierman Brown Hsieh Katz Kaufman Shelley Teng Yaki
Absent: Supervisors Bierman Brown	Absent: Supervisor Leal

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No. 93-96-28

SEP 11 1996
Date Approved

Mayor

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FILE NO. 97-96-19.4 ORDINANCE NO. 352-96

[Former Charter Provisions]

AMENDING THE SAN FRANCISCO ADMINISTRATIVE CODE BY ADDING SECTIONS 2A.111, 2A.130, 2A.131, 2A.132, 2A.133, 2A.134, 2A.150, 2A.155, 2A.156, 2A.160, 2A.161, TO CODIFY SECTIONS 3.552, 3.591, 3.592, 3.596, 3.597, 3.598, 3.601, 3.621, 3.623, 3.641 AND 3.642 OF THE 1932 CHARTER, RESPECTIVELY; MAKING NECESSARY CHANGES TO CONFORM TO THE 1996 CHARTER; AND REPEALING FORMER CHARTER SECTION 3.551, RELATING TO RECREATION AND PARK DEPARTMENT EXECUTIVES, REPEALING FORMER CHARTER SECTION 3.560, RELATING TO THE LIBRARY COMMISSION, REPEALING FORMER CHARTER SECTION 3.570, RELATING TO THE SOCIAL SERVICES COMMISSION, REPEALING FORMER CHARTER SECTION 3.571, RELATING TO THE DIRECTOR OF SOCIAL SERVICES, REPEALING FORMER CHARTER SECTION 3.572, RELATING TO THE FUNCTIONS AND DUTIES OF THE DEPARTMENT OF SOCIAL SERVICES, REPEALING FORMER CHARTER SECTION 3.590, RELATING TO THE PUBLIC UTILITIES COMMISSION, REPEALING FORMER CHARTER SECTION 3.593, RELATING TO PUBLIC UTILITY DEPARTMENT EXECUTIVES, REPEALING FORMER CHARTER SECTION 3.594, RELATING TO PUBLIC UTILITY DEPARTMENT LEGAL PROCEEDINGS, REPEALING FORMER CHARTER SECTION 3.599, RELATING TO THE ACQUISITION OF PUBLIC UTILITIES, REPEALING FORMER CHARTER SECTION 3.622, RELATING TO FINE ARTS MUSEUMS EXECUTIVES AND EMPLOYEES, REPEALING FORMER

CHARTER SECTION 3.624, RELATING TO FINE ARTS MUSEUMS COMPLIANCE WITH GIFTS AND DONATIONS, REPEALING FORMER CHARTER SECTION 3.631, RELATING TO ASIAN ART MUSEUM POWERS AND DUTIES, REPEALING FORMER CHARTER SECTION 3.632, RELATING TO ASIAN ART MUSEUM EXECUTIVES, REPEALING FORMER CHARTER SECTION 3.634, RELATING TO ASIAN ART MUSEUM COMPLIANCE WITH GIFTS AND DONATIONS, AND REPEALING FORMER CHARTER SECTION 3.640, RELATING TO ACADEMY OF SCIENCES FACILITIES.

Note: All provisions are new; changes from text of the 1932 Charter as amended are indicated by underlining for additions or substitutions, and by ((double parentheses)) for deletions.

Be it ordained by the People of the City and County of San Francisco:

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Section 1. Former Charter section 3.551, converted to ordinance by section 18.103 of the Charter, is hereby repealed.

((SEC. 3.551. GENERAL MANAGER; OTHER EXECUTIVES.

The recreation and park commission shall appoint a general manager, who shall hold office at the pleasure of the commission. The commission shall also appoint a secretary, subject to the civil service provisions of this charter.

The general manager shall be the chief executive officer of the department. Subject to the approval of the commission, he shall have power to appoint and to remove a superintendent of recreation, a superintendent of parks, a director of the zoo, an executive secretary to the general manager, a chief veterinarian of the zoo, and a director of the Strybing Arboretum and Botanical Gardens, all of whom shall be exempt from the civil service provisions of this charter, and shall hold office subject to such power of removal on approval of the commission. The position of director of Strybing Arboretum and Botanical Gardens shall be held only by a person who possesses the educational and administrative qualifications and experience necessary to direct and administer a complete program for the development, operation and maintenance of an arboretum and botanical garden.))

Section 2. The San Francisco Administrative Code is hereby amended by adding section 2A.111 to read as follows:

SEC. 2A.111. <u>RECREATION AND PARK: NEW FACILITIES</u> ((POWERS AND DUTIES)).

((Except as provided in Charter Section 3.698-3, the recreation and park commission shall have the complete and exclusive control, management and direction of the parks, playgrounds, recreation centers and all other recreation facilities, squares, avenues and grounds which are in the charge of the commission on the effective date hereof, or are thereafter placed in the charge of the commission, except as in this charter otherwise provided.))

<u>The recreation and park department</u> ((It)) shall ((also)) have power to construct new parks, playgrounds, recreation centers, recreation facilities, squares and grounds, and to erect and maintain buildings and structures on parks, playgrounds, squares, avenues and grounds, provided that all plans, specifications and estimates in connection therewith shall be prepared by the department of public works. ((and be subject to approval by the recreation and park commission; provided, further, that no building or structure, except a building or structure necessary for maintenance, shall be erected, enlarged or expanded in Golden Gate Park unless the question of the erection, enlargement or expansion of said building or structure has been approved by a two-thirds vote of all the members of the board of supervisors. As used herein, the term "building or structure necessary for maintenance" shall mean nurseries, equipment storage facilities and comfort stations.))

All contracts or orders for the work to be performed under such plans and specifications shall be awarded and executed by the director of public works with the

approval of the general manager of the recreation and park department ((commission)) and shall be administered by the director of public works.

It shall be the duty of the recreation and park department ((commission)) to make provision for the funds required for the operation and continuance of the duties herein assigned to the department of public works.

((The persons performing the functions and duties transferred from the recreation and park department to the department of public works shall be transferred therewith, and such employees shall retain in the department of public works the same salary and civil service seniority status as they had in the recreation and park department.

It shall be the policy of the commission to promote and foster a program providing for organized public recreation of the highest standard.

The commission, through the general manager, shall utilize the property under its control and organize the personnel under its direction, to the end that all functions of the department be performed with the greatest possible efficiency.))

Section 3. Former Charter section 3.560, converted to ordinance by section 18.103 of the Charter, is hereby repealed.

((SEC. 3.560. COMMISSION.

The library department shall be under the management of a library commission consisting of seven members who shall be appointed by the mayor and shall serve without compensation.

The term of each commissioner shall be four years, at the expiration of which the mayor shall appoint his successor.))

Section 4. Former Charter section 3.570, converted to ordinance by section 18.103 of the Charter, is hereby repealed.

((SEC. 3.570. COMPOSITION OF DEPARTMENT; COMMISSION.

There is hereby established a social services department. This department shall consist of a social services commission of five members, a director of social services, and such employees and assistants as may be necessary to carry out the work and functions of said department.

The members of the social services commission shall be appointed thereto by the mayor and shall be selected for their respective positions on the basis of their interest in and understanding of the problems of public welfare. The members of said commission shall serve without compensation and no person shall be eligible to serve on said commission while holding a salaried public office, position or employment.

The term of office of the members of the said commission, subject to the provisions hereof relative to removal and the terms of the first members of the commission, shall be four years.

The mayor shall appoint five members to said social services commission, one member to be appointed for a term to expire on the 15th day of January, 1938; one for a term to expire on the 15th day of January, 1939; one for a term to expire on the 15th day

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of January, 1940, and two for terms to expire on the 15th day of January, 1941; and upon the expiration of the terms of each of said members of said commission so appointed, the mayor shall fill the vacancy arising by reason of the expiration of said term by the appointment of a member to said commission for a term of four years. Vacancies occurring in the membership of said commission shall be filled by an appointment to be made by the mayor for the unexpired term of said person in whose place said appointment is made; and when the term of any member of said commission shall expire, then said appointment shall be made for the full period of four years from the date of the expiration of the term. All vacancies shall be filled within 30 days of the occurrence thereof.

Members of the commission shall be subject to removal from office by the mayor for cause, but only upon written charges made and signed by the mayor, copy of said charges to be served upon the offending commissioner; and said charges shall be heard by the mayor and on said hearing of said charges the said commissioner so charged shall have the opportunity to appear and to be heard.

The commission shall be a policy-determining and supervisory body and shall have all the powers provided for in Section 3.500 of the charter.))

Section 5. Former Charter section 3.571, converted to ordinance by section 18.103 of the Charter, is hereby repealed.

((SEC. 3.571. DIRECTOR.

The commission shall appoint and, subject to the budgetary provisions of this charter, fix the salary of a director of social services who shall serve at the pleasure of said commission and shall not be subject to the civil service provisions of the charter. Said director shall possess qualifications and experience essential to the conduct of a complete program of public welfare. Said director shall be the chief executive of the department and shall have all the powers provided for chief executives as set forth in Section 3.501 of the charter. He shall be responsible for the enforcement of the rules and regulations of the commission and, upon the recommendation of the commission, shall have the power to establish such divisions and bureaus as may be necessary for the administration of relief and welfare in the City and County of San Francisco.))

Section 6. Former Charter section 3.572, converted to ordinance by section 18.103 of the Charter, is hereby repealed.

((SEC. 3.572. FUNCTIONS AND DUTIES.

The social services department shall perform such other duties and have such other functions as may be authorized by the board of supervisors of the City and County of San Francisco or required by the government of the United States or the State of California or any department or agency thereof.))

Section 7. Former Charter section 3.590, converted to ordinance by section 18 103 of the Charter, is hereby repealed.

((SEC. 3.590. COMMISSION; COMPOSITION.

A public utilities commission is hereby created, which shall consist of five members, who shall be appointed by the mayor and who shall be subject to recall and to suspension and removal in the same manner as elective officers. The term of each commissioner shall be four years, provided that the five commissioners first appointed by the mayor after 12:00 o'clock noon, on the 8th day of January, 1932, shall, by lot, classify their terms so that the term of one commissioner shall expire at 12:00 o'clock noon on the 15th day of January in each of the years 1933, 1934, and 1935, respectively, and that the terms of two other commissioners shall expire at 12:00 o'clock noon on the 15th day of January, 1936, and on the expiration of these and successive terms, the mayor shall appoint their successors for four years. The compensation of each commissioner shall be $100 per month.))

Section 8. The San Francisco Administrative Code is hereby amended by adding section 2A.130 to read as follows:

SEC. 2A.130. PUBLIC UTILITIES; POWERS AND DUTIES.

((The public utilities shall have charge of the construction, management, supervision, maintenance, extension, operation and control of all public utilities and other properties used, owned, acquired, leased or constructed by the city and county, excepting airports and public transportation, for the purpose of supplying any public utility service to

the city and county and its inhabitants, to territory outside the limits of the city and county, and to the inhabitants thereof.))

The public utilities department ((commission)) shall locate and determine the character and type of all construction and additions, betterments and extensions to utilities under its control, and shall determine the policy for such construction or the making of such additions, betterments and extensions from the public funds under its jurisdiction; provided that in each such case it shall secure the recommendation of the manager of utilities, which shall be presented in writing and shall include analyses of cost, service and estimated revenues of all proposed or feasible alternatives in cases where it is deemed by the manager that such alternatives exist.

The department ((commission)) shall also have power to enter into contract for the furnishing of heat, light and power for municipal purposes, and to supervise the performance and check the monthly bills under such contract. The department ((commission)) shall provide adequate electric power to the municipal railway for its prudent use in providing transit services and related activities.

The department ((commission)) shall have full power and authority to enter into such arrangements and agreements as it shall deem proper for the joint use with any other person, firm or corporation owning or having jurisdiction over poles, conduits, towers, stations, aqueducts, and reservoirs for the operation of any of the utilities under its jurisdiction.

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The department ((commission)) shall observe all city and county ordinances and the regulations of the department of public works relative to utility openings, structures and poles in streets and other public places, as well as all ordinances and regulations relative to barricades, construction lights, refilling excavations and replacing and maintaining street pavements; and in connection with all such matters the said department ((commission)) shall be subject to the same inspection rules and pay fees to the proper department in the same manner and at the same rates as any private person or corporation.

The department ((commission)) shall have charge of all valuation work relative or incidental to purchase proceedings initiated by the city and county for the acquisition of any public utility.

Section 9. The San Francisco Administrative Code is hereby amended by adding section 2A.131 to read as follows:

SEC. 2A.131. PUBLIC UTILITIES; HETCH HETCHY PROJECT ((UTILITY DEPARTMENTS AND BUREAUS)).

((The San Francisco water department, the Hetch Hetchy project until the completion thereof when it shall be merged with the water department, or until any time prior to completion that the public utilities commission shall, with the approval of the board of supervisors by a two-thirds vote, declare the project merged with the water department and any other public utility hereafter acquired exclusive of airports or air transportation

facilities or the municipal railway or public transportation facilities, shall each be designated as a department under the public utilities commission, and, in addition, the public utilities commission may create a bureau of engineering and such other bureaus as it may deem necessary for the handling of matters that do not pertain exclusively to any one department.))

The Hetch Hetchy project shall not be deemed completed until a specific finding of completion thereof has been made by the public utilities commission and approved by the board of supervisors by a two-thirds vote of all members.

((The salaries and general expenses of the commission or bureaus thereof not chargeable to a specific department shall be apportioned fairly among the departments under the control of the public utilities commission in such manner as the commission may deem appropriate, and such apportionment shall be shown as expenses of such department.))

Section 10. Former Charter section 3.593, converted to ordinance by section 18.103 of the Charter, is hereby repealed.

((SEC. 3.593. MANAGER OF UTILITIES AND OTHER EXECUTIVES.

The public utilities commission shall appoint a manager of utilities who shall be the chief executive of the commission and shall, subject to the approval of the commission, have the management of all utilities, bureaus and operations under its jurisdiction. He shall hold office at the pleasure of the commission. Subject to the approval of the

commission, he shall appoint or remove the heads of departments and bureaus under the commission, exclusive of the civil service provisions of this charter. The manager of utilities and the heads of departments and bureaus shall each possess the necessary executive, administrative and technical qualifications for their respective offices. The manager shall have full power to administer the affairs of the commission as chief executive officer and may, with the consent of the commission, act as the head of any department or bureau created by this charter or by the commission. The salaries of the manager and heads of separate utilities and bureaus shall not exceed prevailing salaries paid those holding similar positions in comparable private employment.))

Section 11. Former Charter section 3.594, converted to ordinance by section 18.103 of the Charter, is hereby repealed.

((SEC. 3.594. LEGAL ADVISOR.

The city attorney, as the legal advisor of the commission, may, with the approval of the commission, compromise, settle or dismiss any litigation or proceedings which may be pending for or on behalf of or against said commission relative to any matter or property under its jurisdiction. He shall detail to the commission such attorneys as the commission may deem necessary, subject to the approval of the commission as to each such attorney or assistant so assigned. The commission shall have authority, subject to the approval of the mayor, to appoint special counsel for temporary purposes. The

compensation of all such attorneys shall be paid by the commission from the revenue of the utilities under its jurisdiction.))

Section 12. The San Francisco Administrative Code is hereby amended by adding section 2A.132 to read as follows:

SEC. 2A.132. PUBLIC UTILITY ACCOUNTING.

((Subject to the provisions of Section 3.301, the)) The public utilities department ((commission)) shall maintain separate accounts for each utility in such manner as to exhibit exact and complete financial results of ownership, management and operation; the actual cost of each utility; all costs of maintenance, extension and improvement; all operating expenses of every description; the general expenses of the commission and bureaus thereof apportioned to each such utility; the amount paid or set aside for depreciation, insurance, interest and sinking fund; and estimates of the amount of taxes that would be chargeable against such property and the revenue thereof if privately owned and operated. All accounts shall be maintained in accordance with forms and requirements for public utilities engaged in like character of service, in so far as these shall be applicable to publicly owned and operated utilities.

Section 13. The San Francisco Administrative Code is hereby amended by adding section 2A.133 to read as follows:

SEC. 2A.133. PUBLIC UTILITIES; FOREIGN TRADE ZONES

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Foreign trade zones, as may be authorized by acts of Congress to be located in the city and county, are hereby declared to be public utilities within the meaning of the ((this)) charter.

Section 14. The San Francisco Administrative Code is hereby amended by adding section 2A.134 to read as follows:

SEC. 2A.134. PUBLIC UTILITY RATES.

The public utilities department ((commission)) shall propose to the mayor and the board of supervisors ((have power to fix, change and adjust)) rates, charges or fares for the furnishing of service by any utility under its jurisdiction. ((, and to)) The public utilities department shall have power to collect by appropriate means all amounts due for said service, and to discontinue service to delinquent consumers and to settle and adjust claims arising out of the operation of any said utilities.

Rates may be fixed at varying scales for different classes of service or consumers. The department ((commission)) may provide for the rendition of utility service outside the limits of the city and county and the rates to be charged therefor which may include proportionate compensation for interest during the construction of the utility rendering such service.

Before proposing ((adopting or revising)) any schedule of rates or fares, the commission shall publish in the official newspaper of the city and county for five days notice of its intention so to do and shall fix a time for a public hearing or hearings thereon,

which shall be not less than 10 days after the last publication of said notice, and at which any resident may present his or her objection to or views on the proposed schedule of rates, fares or charges.

Rates for each utility shall be proposed so ((fixed)) that the revenue therefrom shall be sufficient to pay, for at least the succeeding fiscal year, all expenses of every kind and nature incident to the operation and maintenance of said utility, together with the interest and sinking fund for any bonds issued for the acquisition, construction or extension of said utility. ((; provided that, should the commission propose a schedule of rates, charges or fares for said utility which shall not produce such revenue, it may do so with the approval of the board of supervisors, by a two-thirds vote and it shall thereupon be incumbent to provide by tax levy for the additional amount necessary to meet such deficit. All other changes in rates, charges or fares as proposed by the commission shall be submitted by the commission to the board of supervisors for approval, and, except as in this section otherwise provided, it shall require a two-thirds vote of the board of supervisors to reject the rate changes as proposed by the commission, and if so rejected, such proposed changes in schedules or rates, charges or fares shall be returned to the commission for revision. If the supervisors shall fail to act on any such proposed schedule within 30 days, the schedule shall thereupon become effective.))

Section 15. Former Charter section 3.599, converted to ordinance by section 18.103 of the Charter, is hereby repealed.

((SEC. 3.599. ACQUISITION OF PUBLIC UTILITIES.

It is the declared purpose and intention of the people of the city and county, when public interest and necessity demand, that public utilities shall be gradually acquired and ultimately owned by the city and county. Whenever the board of supervisors, as provided in Sections 7.300 to 7.302, inclusive, and 6.401 (a) of this charter, shall determine that the public interest or necessity demands the acquisition, construction or completion of any public utility or utilities by the city and county, or whenever the electors shall petition the supervisors, as provided in Sections 7.303, 9.108 and 9.109 of this charter, for the acquisition of any public utility or utilities, the supervisors must procure a report from the public utilities commission thereon.))

Section 16. The San Francisco Administrative Code is hereby amended by adding section 2A.150 to read as follows:

SEC. 2A.150. ARTS COMMISSION; FUNCTIONS, POWERS AND DUTIES.

No work of art shall be contracted for or placed or erected on property of the city and county or become the property of the city and county by purchase, gift or otherwise, except for any museum or art gallery, unless such work of art, or a design or model of the same as required by the arts ((art)) commission, together with the proposed location of such work of art, shall first have been submitted to and approved by the commission. The term "work of art" as used in this section ((charter)) shall comprise paintings, mural decorations, stained glass, statues, bas reliefs or other sculptures; monuments, fountains,

arches or other structures of a permanent or temporary character intended for ornament or commemoration. No existing work of art in the possession of the city and county shall be removed, relocated or altered in any way without the approval of the commission, except as otherwise provided herein. The commission shall have similar powers with respect to the design of buildings, bridges, viaducts, elevated ways, approaches, gates, fences, lamps or other structures erected or to be erected upon land belonging to the city and county, and concerning arches, bridges, structures and approaches which are the property of any corporation or private individual and which shall extend over or upon any street, avenue, highway, park or public place belonging to the city and county. Said commission shall so act and its approval shall be required for every such structure which shall hereafter be erected or contracted for, and may advise in respect to lines, grades and platting of public ways and grounds.

Nothing herein contained shall be construed to limit or abridge the legal powers of the governing boards of the War Memorial, the Fine Arts Museums or the Asian Art Museum ((M. H. de Young Memorial Museum or the California Palace of the Legion of Honor)).

The commission shall supervise and control the expenditure of all appropriations made by the board of supervisors for music and the advancement of art or music.

The commission shall exercise all reasonable supervision of policy connected with the arts as may hereafter be assigned to it by ordinance or executive action.

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The commission shall decide upon any expenditure of less than $1,000 within 15 days after submission, and upon any other matter within 30 days after submission. If it fails so to do, its decision shall be considered unnecessary.

The commission may volunteer advice or suggestion to the owners of private property in relation to the beautification of the same; and any person contemplating to erect any building or make any improvement may submit the plans and designs or sketches thereof to the ((art)) commission for advice and suggestions, for which no charge shall be made by the ((art)) commission.

Section 17. The San Francisco Administrative Code is hereby amended by adding section 2A.155 to read as follows:

SEC. 2A.155. FINE ARTS MUSEUMS; GROUNDS ((FUNCTIONS; POWERS AND DUTIES)).

((Subject to the budget and fiscal provisions of this Charter, it shall be the authority, function and purpose of the Board of Trustees to:

(a) Have exclusive charge of the California Palace of the Legion of Honor and the M.H. de Young Memorial Museum, the lands set aside therefor, and their affairs, including authority to designate the days and hours during which they shall be open and the charges, if any, to be made for admittance thereto, and of all real and personal property belonging to the Museums, or which may be acquired by loan, purchase, gift, devise, bequest or otherwise;

(b) Notwithstanding anything to the contrary in this Charter, have exclusive authority to accept all gifts, devises and bequests to the Fine Arts Museum, including gifts, devises or bequests which are monetary, personal property or real property;

(c) Insure any loan exhibits and enter any agreements to loan or borrow exhibits, including, without limitation, the ability to agree to indemnification and binding arbitration for purposes of insuring such exhibits without action of the Board of Supervisors so long as such agreements entail no expense for the City and County of San Francisco beyond ordinary insurance expenses;

(d) Maintain or enter into an agreement with a non-profit or other legal entity for the purposes of developing or operating the Museums and/or maintaining or developing fund for the acquisition of works of art;

(e) Maintain, repair or construct existing buildings and construct new buildings and to make and enter into contracts relating thereto.)) The recreation and park department ((Commission)) shall maintain and care for the grounds of the Museums, and shall furnish the monies for the necessary repair and embellishment of the grounds and unoccupied parts.

Section 18. Former Charter section 3.622, converted to ordinance by section 18.103 of the Charter, is hereby repealed.

((SEC. 3.622. DIRECTOR AND OTHER EMPLOYEES.

The Board of Trustees may appoint and remove at its pleasure a director and an executive secretary and such other executive and administrative positions as may be necessary. Such employees shall not be subject to any City-imposed residency requirements. The director shall appoint such other assistants and employees as may be necessary, who shall be subject to the civil service provisions of this Charter. Notwithstanding any other provision of this Charter, the Board of Trustees may accept and utilize or authorize contributions to supplement or pay for the salaries and/or other benefits of any City and County employees in order to establish salaries and/or benefits which are competitive; provided, however, that for city and county retirement system purposes, only compensation established pursuant to the applicable salary provisions of this Charter shall be considered.))

Section 19. The San Francisco Administrative Code is hereby amended by adding section 2A.156 to read as follows:

SEC. 2A.156. FINE ARTS MUSEUMS; ACCOUNTS AND REPORTS.

The Fine Arts Museums shall keep a full account of all property, money, receipts and expenditures, and a record of all Board of Trustees proceedings.

Section 20. Former Charter section 3.624, converted to ordinance by section 18.103 of the Charter, is hereby repealed.

((SEC. 3.624. COMPLIANCE WITH TERMS OF EXISTING DONATIONS.

The Board of Trustees is directed to administer and control the Fine Arts Museums of San Francisco consistent with the terms of the existing donations to the California Palace of Legion of Honor and the M.H. de Young Memorial Museum and accepted by the city and county.))

Section 21. Former Charter section 3.631, converted to ordinance by section 18.103 of the Charter, is hereby repealed.

((SEC. 3.631. FUNCTIONS; POWERS AND DUTIES.

(a) It shall be the authority, function and purpose of the commission to:

(1) develop and administer that museum known as the "Asian Art Museum of San Francisco," or known by such other title as may be chosen by not less than two-thirds of the then authorized members of the commission;

(2) maintain a charitable foundation or other legal entity for the purposes of developing the Asian Art Museum;

(3) collaborate with Asian art societies, universities and other institutions and organizations interested in Asian art, languages, religion, history, philosophy and culture in order to extend and deepen the activities necessary to establish the Asian Art Museum as the outstanding center of Asian art and culture in the western world;

(4) maintain and develop a fund to be expended for the acquisition of paintings, sculpture, bronzes, ceramics and other works of Asian art to amplify and to develop the city and county collections of Asian art;

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(5) control and manage the city and county collections of Asian art with the Avery Brundage Collection as the nucleus;

(6) have exclusive charge of the Asian Art Museum and any land or buildings set aside therefore, and its affairs, including authority to designate the days and hours during which it shall be open and the charges, if any, to be made for admittance thereto, and of all real and personal property belonging to the museum, or which may be acquired by loan, purchase, gift, devise, bequest or otherwise, when not inconsistent with the terms and conditions of the loan, gift, devise or bequest, and shall have authority to accept gifts, devises and bequests without action of the board of supervisors so long as acceptance of the same entails no expense for the city and county beyond ordinary care and maintenance, and shall have the further power to insure loan exhibits; and

(7) maintain, repair or reconstruct existing buildings and construct new buildings and to make and enter into contracts relating thereto, subject, however, insofar as city funds are to be used, to the budget and annual appropriation ordinance.

(b) Notwithstanding the provisions in subsection (a) to the contrary, during such time as the Asian Art Museum is located in the west wing of the M. H. de Young Memorial Museum, the commission shall control and manage the collections housed in that wing as provided in the second supplemental agreement with Avery Brundage, Mrs. Elizabeth D. Brundage and the Avery Brundage Foundation, in accordance with the July 2, 1969 management agreement entered into between the Committee of Asian Art and Culture

and the board of trustees of the M. H. de Young Memorial Museum, a copy of which agreement is on file with the clerk of the board of supervisors.))

Section 22. Former Charter section 3.632, converted to ordinance by section 18.103 of the Charter, is hereby repealed.

((SEC. 3.632. DIRECTOR AND OTHER EMPLOYEES.

The commission may appoint a director, who shall be the administrative head and appointing officer of the department, deputy directors, curators, including a chief curator, and executive secretary, who shall hold office at its pleasure. The director shall appoint such other assistants and employees as may be necessary, who shall be subject to the civil service and salary standardization provisions of this charter. The director need not be a resident of San Francisco. Notwithstanding any other provisions of this charter, in order to establish salaries and/or other benefits which are competitive internationally, the commission may accept and utilize or authorize contributions to supplement or pay for the salaries and/or other benefits of its exempt employees; provided, however, that only compensation established pursuant to salary standardization provisions of this charter shall be used for retirement system purposes.))

Section 23. Former Charter section 3.634, converted to ordinance by section 18.103 of the Charter, is hereby repealed.

((SEC. 3.634. COMPLIANCE WITH TERMS OF DONATIONS.

It is the intention that the administration and control of the Asian Art Museum and its contents be continued consistent with the conditions applicable to the Brundage gift and other gifts which are in the collections of the Asian Art Museum.))

Section 24. Former Charter section 3.640, converted to ordinance by section 18.103 of the Charter, is hereby repealed.

((SEC. 3.640. FACILITIES UNDER DIRECTION OF ACADEMY.

The management, superintendence, and operation of all buildings and other improvements heretofore are hereafter erected by or under the authority of the California Academy of Sciences, a non-profit corporation organized under the laws of the State of California for the promotion of science, on any property owned or controlled by the recreation and park commission to the City and County of San Francisco, shall be in charge and under the direction of said California Academy of Sciences. The buildings and improvements hereby referred to include, without limitation, the Steinhart Aquarium, the Original Natural History Museum and the Simson African Hall, located in Golden Gate Park and erected by or under the authority of the California Academy of Sciences, together with the additions thereto for the purpose of housing, among other things, the Alexander F. Morrison Planetarium and Auditorium, erected by said California Academy of Sciences.))

Section 25. The San Francisco Administrative Code is hereby amended by adding section 2A.160 to read as follows:

SEC. 2A.160. <u>ACADEMY OF SCIENCES;</u> RELATIONSHIP WITH CITY AND COUNTY.

In addition to all other approvals required by law, plans for all proposed buildings and improvements of the California Academy of Sciences including any additions, must be approved by the recreation and park commission and the <u>arts</u> ((art)) commission. The recreation and park commission is hereby authorized, subject to approval by the board of supervisors by ordinance, and subject to the provisions of Section <u>4.113</u> ((3.552)) of the charter, to set apart from time to time such portions of property under its control, as may be required for such buildings and improvements, sufficient grounds being allotted to secure the safety of the same from fire.

The erection of buildings or additions to buildings shall not be started by the California Academy of Sciences until it shall have submitted a statement satisfactory to the recreation and park commission of its ability to finance the proposed work to completion. All buildings and improvements heretofore or hereafter erected by or under the authority of said California Academy of Sciences in or on property owned or controlled by the City and County of San Francisco are and shall become the property of the City and County of San Francisco, but said buildings and improvements and all persons employed therein or thereabout shall be used and controlled exclusively by the said California Academy of Sciences under such proper rules and regulations as it may

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prescribe, subject, however, to any otherwise applicable ((the)) charter provisions relating to civil service and salary standardization with respect to employees of the city and county. The board of supervisors shall, by ordinance, prescribe the insurance to be furnished by the California Academy of Sciences to save the city and county harmless from claims for damages to persons or property arising from the construction or use of any of said buildings. Reasonable and appropriate charges may be made by the California Academy of Sciences for admission to or use of the Alexander F. Morrison Planetarium and Auditorium.

Section 26. The San Francisco Administrative Code is hereby amended by adding section 2A.161 to read as follows:

SEC. 2A.161. ACADEMY OF SCIENCES; MEMORIAL BUILDINGS.

Particular buildings or improvements or portions thereof may be named in memory of persons designated by the California Academy of Sciences.

APPROVED AS TO FORM:

LOUISE H. RENNE, City Attorney

By: _____
THOMAS J. OWEN
Deputy City Attorney

(08/27/96)

Board of Supervisors, San Francisco

Passed for Second Reading	$	Finally Passed
	$	
September 3, 1996	$	September 9, 1996
	$	
	$	
Ayes: Supervisors Alioto Ammiano Hsieh Katz Kaufman Leal Shelley Teng Yaki	$	Ayes: Supervisors Alioto Ammiano Bierman Brown Hsieh Katz Kaufman Leal Shelley Teng Yaki
	$	
Absent: Supervisors Bierman Brown	$	

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

_____
Clerk

File No. 97-96-19.4

SEP 11 1996
Date Approved

_____
Mayor

8/8/96 - As amended in Committee.

FILE NO. 97-96-27 As amended in Board 9/3/96 ORDINANCE NO. 353-96

AMENDING CHAPTER 2B OF THE SAN FRANSISCO ADMINISTRATIVE CODE BY ADDING SECTION 2B.20 THERETO IMPOSING NOTICE, AGENDA, PUBLIC COMMENT AND MEETING OBLIGATIONS ON THE ASSESSMENT APPEALS BOARDS.

Note: The provisions of this section are entirely new.

Be it ordained by the People of the City and County of San Francisco:

Chapter Section 2B. of the San Francisco Administrative Code is hereby amended by adding SEC. 2B.20 Hearing Procedures thereto to read as follows:

SEC. 2B. 20. HEARING PROCEDURES. Each assessment appeals board created pursuant to this chapter shall: (1) In addition to complying with notice and procedural requirements of the Revenue and Taxation Code and the California Code of Regulations, provide notice of all meetings, including deliberations, and post agendas as if assessment appeals boards were subject to the Brown Act and the Sunshine Ordinance. The agendas shall list each application including the address of the property, ~~the specific topic to be considered,~~ the purpose of the hearing, 9/3/96 rt 8/8/96 jlb the current assessment, and ~~the dollar amount of reduction requested.~~ applicant's opinion of value. (2) Allow public comment on each assessment appeal to be heard by an assessment appeals board. Public comment

9/3/96 rt shall be received at the time an appeal is called for hearing ~~and before and after the parties present their case.~~ The agenda for each meeting of an assessment appeals board shall bear the following notice:

> Under the California Constitution and applicable statutes, hearings of assessment appeals boards are judicial proceedings. The decisions of assessment appeals boards must be based exclusively on properly admitted evidence. Assessment appeals boards may not base any factual determinations necessary for their decisions on anything other than the aforementioned evidence. Information presented through public comment unless properly admitted into evidence in compliance with the Revenue and Taxation Code and of the Property Tax Rules of the State Board of Equalization is not evidence upon which assessment appeals boards may base findings.

(3) Conduct all hearings, deliberations, and other business including closed sessions as authorized by law, at duly noticed meetings, with notice afforded to all members of the board. Take decisions only through the actions of members present at such meetings.

APPROVED AS TO FORM:

LOUISE H. RENNE, City Attorney

By: _____
Deputy City Attorney

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Board of Supervisors, San Francisco

Passed for Second Reading	$	Finally Passed
	$	
September 3, 1996	$	September 9, 1996
	$	
	$	
Ayes: Supervisors Alioto Ammiano	$	Ayes: Supervisors Alioto Ammiano
Hsieh Katz Kaufman Leal Shelley	$	Bierman Brown Hsieh Katz Kaufman
Teng Yaki	$	Leal Shelley Teng Yaki
	$	
Absent: Supervisors Bierman Brown	$	

I hereby certify that the foregoing ordinance
was finally passed by the Board of Supervisors
of the City and County of San Francisco

John L. Taylor
Clerk

File No.
97-96-27

SEP 11 1996
Date Approved

Mayor

FILE NO. 97-96-43 ORDINANCE NO. 354-96

[South Africa]

AMENDING CHAPTER 1 OF THE SAN FRANCISCO ADMINISTRATIVE CODE, BY REPEALING SECTION 1.34, WHICH BARS THE EXPENDITURE OF CITY FUNDS TO HOST AN OFFICIAL OR REPRESENTATIVE OF SOUTH AFRICA.

Note: Additions or substitutions are indicated by underlining; deletions are indicated by ((double parentheses)).

Be it ordained by the People of the City and County of San Francisco:

Section 1. Chapter 1 of the San Francisco Administrative Code is hereby amended by repealing Section 1.34 in its entirety.

((SEC. 1.34. OFFICIAL HOST.

Officials or employees of the government of the City and County of San Francisco are hereby prohibited from expending or authorizing the expenditure of funds to officially host or to otherwise meet with or entertain in an official capacity any official or representative of the current governments of South Africa or occupied Namibia.))

APPROVED AS TO FORM:

LOUISE H. RENNE, City Attorney

By Thomas J. Owen
THOMAS J. OWEN
Deputy City Attorney

BOARD OF SUPERVISORS

Board of Supervisors, San Francisco

Passed for Second Reading	§	Finally Passed
September 3, 1996	§	September 9, 1996
Ayes: Supervisors Alioto Ammiano Hsieh Katz Kaufman Leal Shelley Teng Yaki	§	Ayes: Supervisors Alioto Ammiano Bierman Brown Hsieh Katz Kaufman Shelley Teng Yaki
Absent: Supervisors Bierman Brown	§	Absent: Supervisor Leal

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John Taylor
Clerk

File No. 97-96-43

SEP 11 1996
Date Approved

Willie Brown
Mayor

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FILE NO. 124-96-7 Amendment of the Whole 9/3/96 ORDINANCE NO. 355-96

(RESTRICTED PARKING - CONSTRUCTION ACTIVITY)

AMENDING ARTICLE 3 OF THE SAN FRANCISCO TRAFFIC CODE BY ADDING SECTION 33.1A THERETO, ALLOWING VEHICULAR PARKING IN AREAS ZONED FOR RESIDENTIAL AND NEIGHBORHOOD-COMMERCIAL USES WHERE TEMPORARY PARKING RESTRICTIONS ARE IN EFFECT BECAUSE OF PUBLIC OR PRIVATE CONSTRUCTION WORK AND THE CONSTRUCTION WORK DOES NOT COMMENCE BY 12:00 NOON OF THE DATE NOTICED, AND PROVIDING THAT THIS SECTION SHALL BE IN EFFECT THROUGH JUNE 30, 1997.

NOTE: All provisions are new.

Be it ordained by the people of the City and County of San Francisco:

Section 1. Article 3 of the San Francisco Traffic Code is hereby amended by adding Section 33.1A thereto reading as follows:

SEC. 33.1A. VEHICULAR OR PEDESTRIAN TRAFFIC AND PARKING PROHIBITED OR RESTRICTED IN CERTAIN CASES - RESIDENTIAL AND NEIGHBORHOOD-COMMERCIAL AREAS

The prohibition imposed by Section 33.1 shall not apply on any street in any area zoned for residential or neighborhood-commercial uses when the construction work has not begun by 12:00 noon. Any permittee who begins work by 12:00 noon and where

construction activity is not in continuous progress shall place barricades, signs, cones, or other device on the street where the parking is restricted as visible evidence that work has begun and to protect the construction area. In a case where the restricted parking is not entirely necessary for any day as originally posted, the permittee shall erect appropriate signs giving a minimum of 24 hours' notice of the revised and decreased hours of the temporary parking prohibition.

Signs posted pursuant to this section shall include within the notice that the temporary parking prohibition is in effect pursuant to Section 33.1A, Residential Areas, of the San Francisco Traffic Code.

Signs, as determined by the Department of Parking and Traffic to maintain a moving traffic lane, shall be placed to inform the public of a temporary parking prohibition that is in effect for twenty-four hours. Such signs shall be of a color that is different than the sign that informs the public of a temporary parking prohibition that is in effect less than twenty-four hours per day.

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This Section shall not apply on any street within the area defined as the Metropolitan Traffic District by Section 3-a of this code and state highways within the City and County.

The provisions of this Section shall not apply to a vehicle that is actually engaged in making delivery or pickup of construction materials being used at the site of the construction work that necessitate issuance of the permit.

When a vehicle is removed from a street at the request of a permittee pursuant to this Section and a post-storage hearing determines that as a result of the permittee's improper posting of the required signs, reasonable grounds did not exist for removal, the responsible permittee shall reimburse the City and County of San Francisco for the cost incurred in storage and towing. If a permittee fails to provide reimbursement or to agree to assume all liability for any improper posting future requests by that permittee for removal of vehicles in violation of this Section shall be denied.

The responsible permittee shall be given timely notice of the vehicle owner's request for a poststorage hearing and the time and place of such hearing.

This Section shall not apply to a utility or public utility, whether privately, municipally, or publicly owned, as defined by State law, nor shall it apply to vehicles of cable television whether privately, municipally, or publicly owned, as defined by State law, nor shall it apply to vehicles of cable television services, when the utility or cable television provider undertakes emergency repairs to utility or cable facilities necessary for the preservation and maintenance of public utility or cable television

This section shall be in effect through June 30, 1997 and shall expire, unless it is extended or otherwise amended by the Board of Supervisors.

APPROVED AS TO FORM:

DEPUTY CITY ATTORNEY

Board of Supervisors, San Francisco

Passed for Second Reading	$	Finally Passed
	$	
September 3, 1996	$	September 9, 1996
	$	
	$	
Ayes: Supervisors Alioto Ammiano Hsieh Katz Kaufman Leal Shelley Teng Yaki	$	Ayes: Supervisors Alioto Ammiano Bierman Brown Hsieh Katz Kaufman Shelley Teng Yaki
	$	
Absent: Supervisors Bierman Brown	$	Absent: Supervisor Leal

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John H. Taylor
Clerk

File No.
124-96-7

SEP 11 1996
Date Approved

Willie L. Brown Jr.
Mayor

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FILE NO. 186-96-4 ORDINANCE NO. 356-96

[San Francisco Affinity Credit Card Program]

AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE DIRECTLY WITH THE SAN FRANCISCO CONVENTION AND VISITORS BUREAU, WITHOUT COMPETITIVE BIDDING, FOR THE DEVELOPMENT AND OPERATION OF THE SAN FRANCISCO AFFINITY CREDIT CARD PROGRAM AND IMPLEMENTATION THEREUNDER, INCLUDING THE SELECTION BY THE SAN FRANCISCO CONVENTION AND VISITORS BUREAU OF PRIVATE COMPANIES PROVIDING SERVICES IN CONNECTION THEREWITH.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The Board of Supervisors (the "Board") hereby makes the following findings:

The City and County seeks to promote San Francisco and to raise additional funds for the City's General Fund by participating in the development of an official San Francisco Affinity Credit Card (the "Program").

On June 30, 1995, the Board of Supervisors (the "Board") approved Resolution ~~51-7-95~~ 517-95 requesting the Chief Administrative Officer to initiate a Request for Proposals to Operate the Program (the "RFP").

On August 18, 1995, the Chief Administrative Officer distributed the RFP to a variety of financial institutions and credit card companies. Only one company responded to the RFP and its proposal was non-responsive.

On April 22, 1996, the Board approved a resolution authorizing the use of the City's Seal in connection with the Program.

This Board finds that negotiating directly with the San Francisco Convention and Visitors Bureau (the "Bureau"), without competitive bidding, is appropriate in this circumstance. The reasons for such direct negotiations include, but are not limited to, the following: (i) a substantial component of the Program will involve marketing and promotional activities and the Bureau has extensive experience, expertise and responsibility in coordinating marketing and promotional activities in and for the City; (ii) the Bureau has substantial existing relationships with many of the merchants who would likely participate in the Program; (iii) the City's previous efforts to generate interest in the Program through the RFP were unsuccessful; (iv) the Bureau is better able to efficiently oversee, enter into and participate in the agreements with the likely numerous entities participating in the Program ("Third Party Agreements"), and (v) the reasons described in the letter to the Board from the City Administrator, dated July 15, 1996, on file with the Clerk of the Board in File No. 186-96-4.

Section 2. The City Administrator is hereby authorized to negotiate directly with the Bureau, without competitive bidding, for the development, operation and implementation of the Program, subject to the Board's approval, in its sole and absolute discretion, of a proposed agreement with the Bureau regarding the

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Program (the "Agreement") and further subject to the conditions of this Ordinance.

Section 3. The Agreement will, among other things, (i) grant the City approval rights, to be exercised by the City Administrator, over the terms, condition and operation of the Third Party Agreements, (ii) provide for a license of the City Seal from the City to the Bureau for use in connection with the Program and (iii) provide that the City shall receive a percentage of revenues generated through the Program.

Section 4. Subject to the City's approval, exercised by the City Administrator, the entities participating in the Program, including without limitation, any credit card companies and/or issuing banks or other financial institutions, will be selected by the Bureau, and the Bureau will enter into all Third-Party Agreements necessary and appropriate for the operation of the Program. It is not anticipated that the City would be a party to such Third Party Agreements, thus, such Third Party Agreements may not conform to the contracting requirements of the City's Administrative Code.

Section 5. Nothing in this Ordinance shall grant any authority to the City Administrator or other City official to enter into the Agreement or any other legally binding agreements with the Bureau pertaining to the Program without the approval of this Board, which

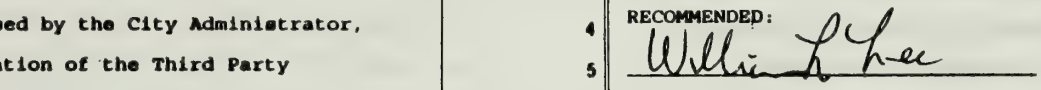
///

///

///

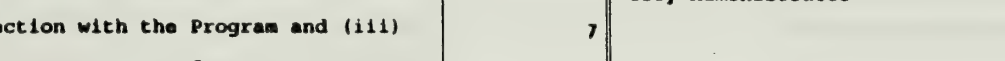
this Board may give or withhold in its sole and absolute discretion.

RECOMMENDED:



City Administrator

APPROVED AS TO FORM:
LOUISE H. RENNE, City Attorney

By 
Deputy City Attorney

cc

Board of Supervisors, San Francisco

Passed for Second Reading	§	Finally Passed
	§	
September 3, 1996	§	September 9, 1996
	§	
	§	
Ayes: Supervisors Alioto Ammiano Hsieh Katz Kaufman Leal Shelley Teng Yaki	§	Ayes: Supervisors Alioto Ammiano Bierman Brown Hsieh Katz Kaufman Shelley Teng Yaki
	§	
Absent: Supervisors Bierman Brown	§	Absent: Supervisor Leal

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John L. Taylor
Clerk

File No.
186-96-4

SEP 11 1996
Date Approved

Mayor

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FILE NO. 74-96-1 ORDINANCE NO. 357-96

RO# 96037

(TAX RATE SETTING)

PROVIDING REVENUE AND LEVYING TAXES FOR CITY AND COUNTY PURPOSES FOR THE FISCAL YEAR ENDING JUNE 30, 1997.

Be It Ordained by the People of The City and County of San Francisco:

SECTION 1. Under and pursuant to laws of the State of California and in conformity therewith a tax is hereby levied for City and County purposes, for the fiscal year ending June 30, 1997 on all property, real and personal, in the City and County of San Francisco, except such property as is by law exempt from taxation, in the sum of one dollar, six and four hundred ninty-four thousandths, two hundred fifty-one millionths cents ($1.06494251) on each one hundred dollars valuation of said taxable property as the same appears upon the secured assessment roll of the said City and County for said fiscal year, which said sum as aforesaid is hereby apportioned in accordance with the provisions of Section 18.103 (former Section 6.400) of the Charter to the funds and accounts and for the purpose designated as follows:

For the General Fund to meet the expenses of the City and County of San Francisco not subject to said limitations of Section 18.103 (former Section 6.400) of the Charter, including the cost of elections, the construction, maintaining and improving of streets, sewers and buildings, parks, squares, playgrounds and libraries, obligations imposed by the State Legislative or Constitutional enactment, and obligations imposed by the vote of the People of the City and County of San Francisco,

the rate of	$ .82418319 (1)
For the Library Preservation Fund, the rate of	.02500000
For the San Francisco Children's Fund, the rate of	.02500000
For the Open Space Acquisition Fund, the rate of	.02500000
For the County Superintendent of Schools, the rate of	.00097335
For the Bond interest and Redemption Fund the rate of	.15637530
TOTAL	**$1.05653184**
Bay Area Air Quality Management District, the rate of	.00208539
Bay Area Rapid Transit District the rate of	.00632528
Total Tax Rate for City & County of San Francisco	**$1.06494251**

(1) Includes State tax shift to the Educational Revenue Augmentation Fund.

Prepared By:

Controller

Approved As To Form:
Louise H. Renne-City Attorney

BY: Deputy City Attorney

BOARD OF SUPERVISORS

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Board of Supervisors, San Francisco

Passed for Second Reading	$	Finally Passed
	$	
September 9, 1996	$	September 16, 1996
	$	
	$	
Ayes: Supervisors Alioto Ammiano	$	Ayes: Supervisors Alioto Ammiano
Bierman Brown Hsieh Katz Kaufman	$	Bierman Brown Katz Kaufman Leal
Leal Shelley Teng Yaki	$	Shelley Teng Yaki
	$	
	$	Absent: Supervisor Hsieh

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John L. Taylor
Clerk

File No.
74-96-1

SEP 18 1996
Date Approved

Mayor

FILE NO. 74-96-2 ORDINANCE NO. 358-96

RO # 96038

(TAX RATE SETTING)

PROVIDING REVENUE AND LEVYING TAXES FOR SAN FRANCISCO UNIFIED SCHOOL DISTRICT PURPOSES FOR THE FISCAL YEAR ENDING JUNE 30, 1997.

Be It Ordained By The People Of The City and County of San Francisco:

Section 1. Under and pursuant to the laws of the State of California and in conformity therewith a tax is hereby levied for San Francisco Unified School District purposes, for the fiscal year ending June 30, 1997, on all property, real and personal, in the City and County of San Francisco, except such property as is by law exempt from taxation, in the sum of eight and one hundred eleven thousandths, three hundred twenty seven millionths ($0.08111327) cents on each one hundred dollars valuation of said taxable property as the same appears upon the secured assessment roll of the said City and County for said fiscal year, which said sum is hereby apportioned as follows:

For general purposes, the rate of	$.07698857
For debt service under under the Field Act, the rate of	.00412470
	$.08111327

Prepared By:

Controller

Approved As To Form:
Louise H. Renne, City Attorney

By: Deputy City Attorney

Levy doc

BOARD OF SUPERVISORS

Board of Supervisors, San Francisco

Passed for Second Reading

September 9, 1996

Ayes: Supervisors Alioto Ammiano Bierman Brown Hsieh Katz Kaufman Leal Shelley Teng Yaki

Finally Passed

September 16, 1996

Ayes: Supervisors Alioto Ammiano Bierman Brown Katz Kaufman Leal Shelley Teng Yaki

Absent: Supervisor Hsieh

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No. 74-96-2

SEP 18 1996
Date Approved

Mayor

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FILE NO. 74-96-3

ORDINANCE NO. 359-96

RO # 96039

(TAX RATE SETTING)

PROVIDING REVENUE AND LEVYING TAXES FOR SAN FRANCISCO COMMUNITY COLLEGE DISTRICT PURPOSES FOR THE FISCAL YEAR ENDING JUNE 30, 1997.

Be It Ordained by the People of The City and County of San Francisco:

SECTION 1. Under and pursuant to the laws of the State of California and in conformity therewith a tax is hereby levied for San Francisco Community College District purposes, for the fiscal year ending June 30, 1997, on all property, real and personal, in the City and County of San Francisco, except such property as is by law exempt from taxation, in the sum of one and four hundred forty-four thousandths, four hundred twenty-two millionths ($0.01444422) cents on each one hundred dollars valuation of said taxable property as the same appears upon the secured assessment roll of the said City and County for said fiscal year.

PREPARED BY:

Controller

APPROVED AS TO FORM:
LOUISE H. RENNE, CITY ATTORNEY

BY: Deputy City Attorney

Levy1 doc

BOARD OF SUPERVISORS

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
September 9, 1996	September 16, 1996
Ayes: Supervisors Alioto Ammiano Bierman Brown Hsieh Katz Kaufman Leal Shelley Teng Yaki	Ayes: Supervisors Alioto Ammiano Bierman Brown Katz Kaufman Leal Shelley Teng Yaki
	Absent: Supervisor Hsieh

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No. 74-96-3

SEP 18 1996
Date Approved

Mayor

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FILE NO. 101-96-2.1
(Government Funding)

ORDINANCE NO. 360-96
RO # 96040

AMENDING THE ANNUAL APPROPRIATION ORDINANCE FOR FISCAL YEAR 1996-97, FILE NUMBER 101-96-2, ORDINANCE NUMBER 297-96, GIVING EFFECT TO REVENUE CHANGES AND ADJUSTING APPROPRIATIONS TO MEET THE REQUIREMENTS OF THE ART COMMISSION PURSUANT TO CHARTER SECTION 16.106, AND ADJUSTING APPROPRIATIONS TO MEET THE REQUIREMENTS OF THE AIRPORT, AS A PRE-REQUISITE TO LEVY A TAX.

Be it ordained by the people of the City and County of San Francisco:

Section 1. The Annual Appropriation Ordinance for Fiscal Year 1996-97, File Number 101-96-2, Ordinance Number 297-96, is hereby amended by the following increases and decreases in revenue and expenditure accounts as indicated (in revenue appropriations and sources, AAO budget accounts, increases are shown as debits while decreases are shown as credits; in expenditure appropriations and reserves, increases are shown as credits while decreases are shown as debits):

Department and Number	Source of Funds and Purpose of Appropriation	Amount Debit	Amount Credit
Fund			
1G-AGF-AAA	General Fund - Non Projects Fund		
Department			
GE-GEN	General City Responsibilities		
Program			
XXX	Non Program		
Funding Sources			
099-099GR (*CON1GAGFAAA)	Unappropriated Revenue-Unreserved General Reserve	$5,189	
Funding Uses			
095-0951G (GEAGFAAA951G)	Intrafund Transfer Out to 1G-AGF-AAP, General Fund Annual Project, UNA		$5,189
	Total:	$5,189	$5,189
Fund			
1G-AGF-AAP	General Fund - Annual Projects Fund		
Department			
UN-UNA	General Fund Unallocated		
Program			
XXX	Non Program		
Funding Sources			
950-9501G (UNAGFAAP501G)	Intrafund Transfer In From 1G-AGF-AAA, General Fund Non Project Fund, GEN	$5,189	
Department			
AR-ART	Art Commission		
Program			
EEQ	Municipal Symphony Concerts		
Project			
PAR004	Art Commission Projects		
Funding Uses			
021-03500 (289901)	Other Current Expenses		$5,189
	Total:	$5,189	$5,189
Fund			
4D-GOB-GOB	Debt Service Fund		
Department			
GE-GEN	General City Responsibilities		
Program			
FCZ	General City Responsibilities		

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Department and Number	Source of Funds and Purpose of Appropriation	Amount Debit	Amount Credit
Funding Sources			
100-10999 (970005)	Unallocated General Property Taxes	$11,153,879	
Funding Uses			
070-07111 (970005)	Bond Redemption		$11,153,879
	Total:	$11,153,879	$11,153,879
Fund			
5A-AAA-AAA	Airport Operating Fund		
Department			
AC-AIR	Airport Commission		
Program			
BXX	Non Program		
Funding Sources			
909-99999 (AIR022012)	Fund Balance	$8,700,000	
Funding Uses			
600-67111 (AIR044149)	Airline Landing Fees		$8,700,000
	Total:	$8,700,000	$8,700,000

APPROVED AS TO FORM:
LOUISE H. RENNE, CITY ATTORNEY

BY: [signature]

FUNDS AVAILABLE:
EDWARD M. HARRINGTON
CONTROLLER

BY: [signature]

BOARD OF SUPERVISORS

Board of Supervisors, San Francisco

Passed for Second Reading

September 9, 1996

Ayes: Supervisors Alioto Ammiano Bierman Brown Hsieh Katz Kaufman Leal Shelley Teng Yaki

Finally Passed

September 16, 1996

Ayes: Supervisors Alioto Ammiano Bierman Brown Katz Kaufman Leal Shelley Teng Yaki

Absent: Supervisor Hsieh

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

[signature]
Clerk

File No.
101-96-2.1

SEP 18 1996
Date Approved

[signature]
Mayor

FILE NO. 188-96-4 ORDINANCE NO. 361-96

[Water Department Fees]

APPROVING SCHEDULE OF FEES FOR SHORT TERM USES OF SAN FRANCISCO WATER DEPARTMENT LANDS, RIGHTS-OF-WAY, AND OTHER REAL PROPERTIES.

Be it ordained by the People of the City and County of San Francisco:

Pursuant to Charter Section 2.109, the Board of Supervisors hereby approves the schedule of fees for short term use of San Francisco Water Department watershed lands, rights-of-way and other real properties, as approved by San Francisco Public Utilities Commission Resolution no. 96-0143, on file with the Clerk of the Board of Supervisors in File No. 188-96-4 :

PUC Permit Fee Schedule	Fee
Equestrian Permit	$110.00/year
Weddings	$150.00/2 hours
Educational/ Scientific Research	No Charge
Police and Fire Department Training	No Charge
Group Access (10 to 25 persons)	$80.00 plus $5.00 for each additional person over 10

Engineering Permit	The greater of $1,800 or actual costs for unusual conditions, plus $50.00 per hour inspection fees
Access Permit (1-7 days)	$110.00 plus $70.00 per day
Staff Services	$50.00 per hour
Non-Profit Organizations	Fee waivable by PUC General Manager when use consistent with Commission policy

Approved as to Form
Louise H. Renne, City Attorney
By: Joshua McGlein
Deputy City Attorney

DOCUMENTS DEPT
OCT 0 2 1996
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Board of Supervisors, San Francisco

Passed for Second Reading	$	Finally Passed
	$	
September 9, 1996	$	September 16, 1996
	$	
	$	
Ayes: Supervisors Alioto Ammiano	$	Ayes: Supervisors Alioto Ammiano
Bierman Brown Hsieh Katz Kaufman	$	Bierman Brown Katz Kaufman Leal
Leal Shelley Teng Yaki	$	Shelley Teng Yaki
	$	
	$	Absent: Supervisor Hsieh

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John L. Taylor
Clerk

File No.
188-96-4

SEP 18 1996
Date Approved

Mayor

FILE NO.: 45-96-51 ORDINANCE NO.: 362-96

RO#96035

[SETTLEMENT OF LAWSUIT]

AUTHORIZING SETTLEMENT OF LITIGATION OF ISABEL PINEDA AGAINST THE CITY AND COUNTY OF SAN FRANCISCO FOR $7,281.00.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The City Attorney is hereby authorized to settle the action entitled "ISABEL PINEDA V. CITY AND COUNTY OF SAN FRANCISCO, et al.," Municipal Court No. 077-831, by the payment of $7,281.00.

APPROVED AS TO FORM AND RECOMMENDED:

LOUISE H. RENNE
City Attorney

PATRICK J. MAHONEY
Chief Trial Deputy

RECOMMENDED:

DEPARTMENT OF PUBLIC WORKS

MARK A. PRIMEAU
Director

FUNDS AVAILABLE:

EDWARD M. HARRINGTON
Controller

1G-AGF-AAA 97-09-90
975016 05311 $7,281.00

AUG 13 1996

BOARD OF SUPERVISORS

Board of Supervisors, San Francisco

Passed for Second Reading	§	Finally Passed
September 16, 1996	§	September 24, 1996
Ayes: Supervisors Alioto Ammiano Bierman Brown Katz Kaufman Leal Shelley Teng Yaki	§	Ayes: Supervisors Alioto Ammiano Bierman Brown Katz Kaufman Leal Shelley Teng Yaki
Absent: Supervisor Hsieh	§	Absent: Supervisor Hsieh

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No. 45-96-51

SEP 30 1996
Date Approved

Mayor

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FILE NO. 45-96-52

ORDINANCE NO. 363-96

RO#96036

(Settlement)

AUTHORIZATION FOR SETTLEMENT OF THE LITIGATION OF ROBERT EVANS V. CITY AND COUNTY OF SAN FRANCISCO, ET AL., UNITED STATES DISTRICT COURT CASE NO. C95-4559 MHP, IN THE AMOUNT OF THIRTY TWO THOUSAND FIVE HUNDRED DOLLARS, EXACTLY ($32,500).

Be it ordained by the People of the City and County of San Francisco:

Section 1. The City Attorney is hereby authorized to settle the court action entitled "Robert Evans v. City and County of San Francisco, et al., United States District Court Case No. C95-4559 MHP" in the amount of thirty two thousand five hundred dollars, exactly ($32,500).

APPROVED AS TO FORM AND RECOMMENDED:

LOUISE H. RENNE
City Attorney

VICKI CLAYTON
Chief Labor Attorney

FUNDS AVAILABLE:

EDWARD M. HARRINGTON
Controller

APPROVED AND RECOMMENDED:

ROBERT L. DEMMONS
Chief San Francisco Fire Department

1G-AGF-AAA 97-09-31
975024 05311 $32,500.00

AUG 13 1996

BOARD OF SUPERVISORS

Board of Supervisors, San Francisco

Passed for Second Reading	§	Finally Passed
September 16, 1996	§	September 24, 1996
Ayes: Supervisors Alioto Ammiano Bierman Brown Katz Kaufman Leal Shelley Teng Yaki	§	Ayes: Supervisors Alioto Ammiano Bierman Brown Katz Kaufman Leal Shelley Teng Yaki
Absent: Supervisor Hsieh	§	Absent: Supervisor Hsieh

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No. 45-96-52

SEP 30 1996
Date Approved

Mayor

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FILE NO.: 45-96-53

ORDINANCE NO.: 364-96

RO#96043

[SETTLEMENT OF LAWSUIT]

AUTHORIZING SETTLEMENT OF LITIGATION OF LUISA ROMERO AGAINST THE CITY AND COUNTY OF SAN FRANCISCO for $12,000.00.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The City Attorney is hereby authorized to settle the action entitled "LUISA ROMERO V. CITY AND COUNTY OF SAN FRANCISCO, et al.," Municipal Court No. 077-831, by the payment of $12,000.00.

APPROVED AS TO FORM AND RECOMMENDED:

LOUISE H. RENNE
City Attorney

PATRICK J. MAHONEY
Chief Trial Deputy

RECOMMENDED:

DEPARTMENT OF PUBLIC WORKS

MARK A. PRIMEAU
Director

FUNDS AVAILABLE:

EDWARD M. HARRINGTON
Controller

1G-AGF-AAA 97-09-90
975016 05311 $12,000.00

AUG 20 1996

BOARD OF SUPERVISORS

CC

Board of Supervisors, San Francisco

Passed for Second Reading	§	Finally Passed
September 16, 1996	§	September 24, 1996
Ayes: Supervisors Alioto Ammiano Bierman Brown Katz Kaufman Leal Shelley Teng Yaki	§	Ayes: Supervisors Alioto Ammiano Bierman Brown Katz Kaufman Leal Shelley Teng Yaki
Absent: Supervisor Hsieh	§	Absent: Supervisor Hsieh

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No.
45-96-53

SEP 30 1996

Date Approved

Mayor

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FILE NO. 45-96-54

ORDINANCE NO. 365-96

RO#96041

AUTHORIZING SETTLEMENT OF LITIGATION OF ROBERT V. WEBER, ET AL. AGAINST THE CITY AND COUNTY OF SAN FRANCISCO FOR $46,500 .

Be it ordained by the People of the City and County of San Francisco:

Section 1. The City Attorney is hereby authorized to settle the action entitled "Robert V. Weber, et al. v. City and County of San Francisco," San Francisco Superior Court No. 959-886, by the payment of $46,500.

APPROVED AS TO FORM AND RECOMMENDED:

LOUISE H. RENNE
City Attorney

By: PATRICK J. MAHONEY
Chief Trial Deputy

RECOMMENDED:

SAN FRANCISCO POLICE DEPARTMENT

FRED LAU, Chief

APPROVED:

POLICE COMMISION

Secretary

FUNDS AVAILABLE:

EDWARD M. HARRINGTON
Controller

1G-AGF-AAA 38-00-00
385036 05311 $46,500.00

AUG 20 1996

BOARD OF SUPERVISORS

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
September 16, 1996	September 24, 1996
Ayes: Supervisors Alioto Ammiano Bierman Brown Katz Kaufman Leal Shelley Teng Yaki	Ayes: Supervisors Alioto Ammiano Bierman Brown Katz Kaufman Leal Shelley Teng Yaki
Absent: Supervisor Hsieh	Absent: Supervisor Hsieh

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No.
45-96-54

SEP 30 1996
Date Approved

Mayor

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FILE NO. 45-96-55

ORDINANCE NO. 366-96

RO#96044

[SETTLEMENT OF LAWSUIT]

AUTHORIZING SETTLEMENT OF LITIGATION OF CAROLINE BRAUN AGAINST THE CITY AND COUNTY OF SAN FRANCISCO FOR $12,000.00.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The City Attorney is hereby authorized to settle the action entitled "caroline braun v. city and county of san francisco, et al.," San Francisco Superior Court No. 970-797, by the payment of $12,000.00.

APPROVED AS TO FORM AND RECOMMENDED:

LOUISE H. RENNE
City Attorney

PATRICK J. MAHONEY
Chief Trial Deputy

RECOMMENDED:

MARK A. PRIMEAU
Director

FUNDS AVAILABLE:

EDWARD M. HARRINGTON
Controller

IG-AGF-AAA 97-09-90
975016 05311 $12,000.00

AUG 21 1996

BOARD OF SUPERVISORS

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
September 16, 1996	September 24, 1996
Ayes: Supervisors Alioto Ammiano Bierman Brown Katz Kaufman Leal Shelley Teng Yaki	Ayes: Supervisors Alioto Ammiano Bierman Brown Katz Kaufman Leal Shelley Teng Yaki
Absent: Supervisor Hsieh	Absent: Supervisor Hsieh

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No. 45-96-55

SEP 30 1996
Date Approved

Mayor

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FILE NO. 45-96-56

ORDINANCE NO. 367-96

RO#96042

[SETTLEMENT OF LAWSUIT]

AUTHORIZING SETTLEMENT OF EMPLOYMENT DISCRIMINATION CLAIM OF ADELE ROBERTS AGAINST THE CITY AND COUNTY OF SAN FRANCISCO, ANTHONY RIBERA, THOMAS MURPHY, FRANK REED, FORREST FULTON AND WOODROW TENNANT FOR $85,000.00.

Be it ordained by the People of the City and County of San Francisco:

Section I. The City Attorney is hereby authorized to settle the action entitled, "ADELE ROBERTS V. CITY AND COUNTY OF SAN FRANCISCO, ANTHONY RIBERA, THOMAS MURPHY, FRANK REED, FORREST FULTON AND WOODROW TENNANT," United States District Court, N. D. Cal. No. C94-4153 CAL, by the payment of $85,000 (eighty-five thousand dollars and no cents), with each side to bear its own costs and attorneys' fees.

APPROVED AS TO FORM
AND RECOMMENDED:

LOUISE RENNE
City Attorney

VICKI CLAYTON
Chief Labor Attorney

RECOMMENDED:

FRANK LAU
Chief of Police

APPROVED:
POLICE COMMISSION

Secretary, Police Commission

FUNDS AVAILABLE

EDWARD M. HARRINGTON
Controller

1G-AGF-AAA 38-00-00
385036 05311 $85,000.00
BOARD OF SUPERVISORS

AUG 20 1996

B:\LITI\ROBERTS\APPO\ROBERTS\ORD.DOC - 16-JUL-96

CC

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
September 16, 1996	September 24, 1996
Ayes: Supervisors Alioto Ammiano Bierman Brown Katz Kaufman Leal Shelley Teng Yaki	Ayes: Supervisors Alioto Ammiano Bierman Brown Katz Kaufman Leal Shelley Teng Yaki
Absent: Supervisor Hsieh	Absent: Supervisor Hsieh

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No.
45-96-56

SEP 30 1996
Date Approved

Mayor

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FILE NO. 45-96-57 ORDINANCE NO. 368-96

[Authorization of Settlement of Litigation]

AUTHORIZING SETTLEMENT FOR STACY AND WITBECK, INC. v. CITY AND COUNTY OF SAN FRANCISCO (SUPERIOR COURT NO. 961-598) BASED ON THE MODIFICATION OF DEBARMENT ORDER BY THE PUBLIC TRANSPORTATION COMMISSION, REDUCING THE DEBARMENT PERIOD, AND THE COMMITMENT BY STACY AND WITBECK, INC., TO PERFORM VALUABLE PUBLIC WORKS AT NO COST TO THE CITY.

Be it ordained by the People of the City and County of San Francisco:

The City Attorney is hereby authorized to settle the court action entitled "Stacy and Witbeck, Inc. v. City and County of San Francisco (Superior Court No. 961-598)" according to the terms recommended by the Public Transportation Commission, pursuant to Public Transportation Commission Resolution No. 96-073, which is on file with the Clerk of the Board of Supervisors in File No. 45-96-57:

(a) Stacy and Witbeck, Inc. shall perform at no charge to the City public works estimated by the City to be worth $250,000. The Director of Public Transportation shall determine and specify the scope and time of performance and shall report to the Commission as to the work performed upon completion thereof. Stacy and Witbeck shall perform such work within three years from the date of the above-described Resolution of the Public Transportation Commission (August 13, 1996). At the discretion of the Director of Public Transportation, the work could involve emergency jobs, maintenance/remediation of Market Street and/or a credit for any base contract or change order work under any contract that the Department of Public Transportation awards to Stacy and Witbeck after September 1, 1996.

(b) Stacy and Witbeck, Inc. shall dismiss with prejudice Superior Court Case No. 961-598.

///

(c) Contingent upon (i) continued compliance by Stacy and Witbeck, Inc. with the terms of the Debarment Order; (ii) receipt of a binding written commitment from Stacy and Witbeck, Inc. to perform the public works described above; and (iii) dismissal of Superior Court Case No. 961-598 as described above, the debarment period shall expire on September 1, 1996.

(d) Stacy and Witbeck, Inc. shall not submit to the City any bid prior to September 1, 1996.

APPROVED AS TO FORM AND RECOMMENDED:

LOUISE H. RENNE
City Attorney

By: [signature]
G. SCOTT EMBLEDGE
Deputy City Attorney

RECOMMENDED:

PUBLIC TRANSPORTATION COMMISSION

By: R. Boomer

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Board of Supervisors, San Francisco

Passed for Second Reading	$	Finally Passed
	$	
September 16, 1996	$	September 24, 1996
	$	
	$	
Ayes: Supervisors Alioto Ammiano	$	Ayes: Supervisors Alioto Ammiano
Bierman Brown Katz Kaufman Leal	$	Bierman Brown Katz Kaufman Leal
Shelley Teng Yaki	$	Shelley Teng Yaki
	$	
Absent: Supervisor Hsieh	$	Absent: Supervisor Hsieh

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No.
45-96-57

SEP 30 1996
Date Approved

Mayor

FILE NO. 45-96-58 ORDINANCE NO. 369-96

RO#96049

[SETTLEMENT OF LAWSUIT]

AUTHORIZING SETTLEMENT OF LITIGATION OF RICHARD FELTON AGAINST THE CITY AND COUNTY OF SAN FRANCISCO for $7,500.00

Be it ordained by the People of the City and County of San Francisco:

Section 1. The City Attorney is hereby authorized to settle the action entitled "Richard Felton v. City and County of San Francisco et al.", San Francisco Superior Court No. 970-909, by the payment of $7,500.00.

APPROVED AS TO FORM:
AND RECOMMENDED:

LOUISE H. RENNE
City Attorney

PATRICK J. MAHONEY
Chief Trial Deputy

RECOMMENDED:

JOHN NEWLIN, Exec. Dir.
Parking & Traffic Comm.

FUNDS AVAILABLE:

EDWARD M. HARRINGTON
Controller

APPROVED:

SECRETARY
Parking & Traffic Comm.

1G-AGF-AAA 97-09-36
975032 05311 $7,500.00
AUG 28 1996

BOARD OF SUPERVISORS

CC

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
September 16, 1996	September 24, 1996
Ayes: Supervisors Alioto Ammiano Bierman Brown Katz Kaufman Leal Shelley Teng Yaki	Ayes: Supervisors Alioto Ammiano Bierman Brown Katz Kaufman Leal Shelley Teng Yaki
Absent: Supervisor Hsieh	Absent: Supervisor Hsieh

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No. 45-96-58

SEP 30 1996
Date Approved

Mayor

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FILE NO. 45-96-59

ORDINANCE NO. 370-96

RO#96054

[SETTLEMENT OF LAWSUIT]

AUTHORIZING SETTLEMENT OF LITIGATION OF MAURICE LEWIS COLLINS AND JAMARIS MORGAN COLLINS, THROUGH THEIR GUARDIANS AD LITEM, against THE CITY AND COUNTY OF SAN FRANCISCO FOR $50,000.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The City Attorney is hereby authorized to settle the action entitled "MAURICE LEWIS COLLINS AND JAMARIS MORGAN COLLINS, THROUGH THEIR GUARDIANS AD LITEM v. CITY AND COUNTY OF SAN FRANCISCO", San Francisco Superior Court No. 962003, by the payment of $50,000.

APPROVED AS TO FORM AND RECOMMENDED:

LOUISE H RENNE
City Attorney

PATRICK J. MAHONEY
Chief Trial Deputy

RECOMMENDED:

SANDRA HERNANDEZ, M.D.
Director, Department of Public Health

FUNDS AVAILABLE:

EDWARD HARRINGTON
Controller

APPROVED:
PUBLIC HEALTH COMMISSION

SECRETARY

1G-AGF-AAA 97-09-83
975014 05311 $50,000.00

AUG 28 1996

BOARD OF SUPERVISORS

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
September 16, 1996	September 24, 1996
Ayes: Supervisors Alioto Ammiano Bierman Brown Katz Kaufman Leal Shelley Teng Yaki	Ayes: Supervisors Alioto Ammiano Bierman Brown Katz Kaufman Leal Shelley Teng Yaki
Absent: Supervisor Hsieh	Absent: Supervisor Hsieh

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No. 45-96-59

SEP 30 1996
Date Approved

Mayor

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FILE NO. 45-96-62 ORDINANCE NO. 371-96

[Settlement of Claim Against Partial NSF Design Team]

APPROVING THE SETTLEMENT OF THE CITY'S CLAIMS AGAINST MEMBERS OF THE NEW SHERIFF'S FACILITY DESIGN TEAM INSURED UNDER THE PROJECT ERRORS AND OMISSIONS INSURANCE POLICY.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The City Attorney is hereby authorized to settle the City and County of San Francisco's (the City) design-related claims, against the members of the New Sheriff's Facility (NSF) design team who are insured under the project errors and omissions policy, whereby the parties mutually release each other except for latent design deficiencies, and whereby the architectural joint venture of Williams + Tanaka/Del Campo & Maru (the JV) and its project policy insured subconsultants will pay the available limit of their errors and omissions insurance policy ($943,500) to the City, and the City will indemnify the JV and the project policy insured subconsultants against claims from the NSF contractors and subcontractors and other NSF consultants.

APPROVED AS TO FORM AND RECOMMENDED:

LOUISE H. RENNE
City Attorney

By: Anthony R. Flores
Deputy City Attorney

RECOMMENDED AND APPROVED:

DEPARTMENT OF PUBLIC WORKS

By: Mark Primeau
Director of Department of Public Works

BOARD OF SUPERVISORS

N:\CONSTRUCT\FLORES\NSF\SUPPDOCS\JVSETORD.DOC 30 AUG 96

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
September 16, 1996	September 24, 1996
Ayes: Supervisors Alioto Ammiano Bierman Brown Katz Kaufman Leal Shelley Teng Yaki	Ayes: Supervisors Alioto Ammiano Bierman Brown Katz Kaufman Leal Shelley Teng Yaki
Absent: Supervisor Hsieh	Absent: Supervisor Hsieh

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No. 45-96-62

SEP 30 1996
Date Approved

Mayor

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FILE NO. 93-96-10.2 ORDINANCE NO. 372-96

(Memorandum of Understanding)

AMENDING ORDINANCE NO. 168-96 TO CORRECT CLERICAL ERRORS BY ADOPTING AND IMPLEMENTING THE PROVISION OF AMENDMENT NUMBER 2 TO THE MEMORANDUM OF UNDERSTANDING BETWEEN PLUMBING AND PIPE FITTING INDUSTRY, LOCAL 38 AND THE CITY AND COUNTY OF SAN FRANCISCO TO BE EFFECTIVE JULY 1, 1996 THROUGH JUNE 30, 1997.

Be it ordained by the People of the City and county of San Francisco.

The Board of Supervisors hereby implements the provisions within the Board's authority of Amendment Number 2 to the Memorandum of Understanding between Plumbing and Pipe Fitting Industry, Local 38 and the City and County of San Francisco to correct clerical errors to be effective July 1, 1996 through June 30, 1997. The provisions so amended and implemented are on file in the office of the Board of Supervisors.

APPROVED AS TO FORM

LOUISE H. RENNE
CITY ATTORNEY

DEPUTY CITY ATTORNEY

BOARD OF SUPERVISORS

Board of Supervisors, San Francisco

Passed for Second Reading	$	Finally Passed
	$	
September 16, 1996	$	September 24, 1996
	$	
	$	
Ayes: Supervisors Alioto Ammiano	$	Ayes: Supervisors Alioto Ammiano
Bierman Brown Katz Kaufman Leal	$	Bierman Brown Katz Kaufman Leal
Shelley Teng Yaki	$	Shelley Teng Yaki
	$	
Absent: Supervisor Hsieh	$	Absent: Supervisor Hsieh

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No. 93-96-10.2

SEP 30 1996
Date Approved

Mayor

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Amendment of the Whole 9/16/96

FILE NO. 97-96-20 ORDINANCE NO. 374-96

[Prohibiting Contracting with the City]

AMENDING THE SAN FRANCISCO ADMINISTRATIVE CODE, CHAPTER 16 (OFFICERS AND EMPLOYEES) BY ADDING SECTION 16.980 THERETO TO PROHIBIT MEMBERS OF BOARDS AND COMMISSIONS FROM CONTRACTING WITH THE CITY AND COUNTY.

NOTE: This entire section is new.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The San Francisco Administrative Code, Chapter 16 (Officers and Employees) is hereby amended by adding Section 16.980, to read as follows:

SEC. 16.980. PROHIBITING MEMBERS OF BOARDS AND COMMISSIONS FROM CONTRACTING WITH THE CITY AND COUNTY.

(a) FINDINGS.

(1) City and County contracts should be, and should appear to be, awarded on a fair and impartial basis.

(2) The practice of members of Boards and Commissions of the City and County contracting with the City and County creates the potential for, and the appearance of, favoritism or preferential treatment by the City and County.

(3) Prohibiting members of Boards and Commissions of the

City and County from contracting with the City and County will eliminate both actual and perceived favoritism or preferential treatment without creating unnecessary barriers to public service.

(b) DEFINITIONS. For purposes of this Section, the following definitions shall apply:

(1) Board or Commission. The term "Board or Commission" means an appointed Board or Commission created by Charter or ordinance of the City and County, at least one of the members of which is required to be appointed by the Mayor, but does not include advisory Boards or Commissions.

(2) Business. The term "business" means any corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, organization, or other legal entity or undertaking organized for economic gain.

(3) City and County. The term "City and County" includes any Commission, Board, Department, agency, committee, or other organizational unit, excluding advisory bodies, of the City and County of San Francisco.

(4) Contract. The term "contract" means any agreement to which the City and County is a party, other than a grant funded in

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whole or in part by the City and County or an agreement for employment with the City and County in exchange for salary and benefits.

(5) Subcontract. The term "subcontract" means a contract to perform more than 25% of the work that a primary contractor has an agreement with the City and County to perform.

(c) PROHIBITION. No member of a Board or Commission of the City and County shall, during his or her term of office, contract or subcontract with the City and County, the San Francisco Redevelopment Agency, the San Francisco Housing Authority, the San Francisco Unified School District, or the San Francisco the Community College District, where the amount of the contract or the subcontract exceeds $10,000.

(d) EXCEPTIONS. This section shall not apply to the following contracts or subcontracts:

(1) a contract or subcontract with a nonprofit organization;

(2) a contract or subcontract with a business with which a member of a Board or Commission is affiliated unless the member exercises management and control over the business. A member exercises management and control if he or she is:

(A) an officer or director of a corporation;

(B) a majority shareholder of a closely held corporation;

(C) a shareholder with more than 5% beneficial interest in a publicly traded corporation;

(D) a general partner or limited partner with more than 20% beneficial interest in the partnership; or

(E) a general partner regardless of percentage of beneficial interest and who occupies a position of, or exercises management or control of the business;

(3) an existing contract or subcontract with the City and County approved by the Board of Supervisors or an agreement to provide property, goods or services to the City and County at substantially below fair market value.

(e) EFFECTIVE DATE. This ordinance shall take effect on January 15, 1997.

(f) PENALTIES. Violation of any provision of this Section shall constitute official misconduct.

(g) SEVERABILITY. If any subsection, sentence, clause, phrase, or word of this Section be for any reason declared unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or the effectiveness of the remaining portions of this Section or any part of this Section. The Board of Supervisors hereby declares that it would have adopted this

Section notwithstanding the unconstitutionality, invalidity or inef-
fectiveness of any one or more of its subsections, sentences, clauses, phrases, or words.

(h) LIMITATION. Failure of a member of a Board or Commission to comply with this Section shall not be grounds for invalidating any contract with the City and County.

APPROVED AS TO FORM:

LOUISE H. RENNE, City Attorney

By: Claire M. Sylvia
Claire M. Sylvia
Deputy City Attorney

N:\GOVERNI\CSYLVIA\ORDINAN\AMEND.DOC

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
September 16, 1996	September 24, 1996
Ayes: Supervisors Alioto Ammiano Bierman Brown Katz Kaufman Leal Shelley Teng Yaki	Ayes: Supervisors Alioto Ammiano Bierman Brown Katz Kaufman Leal Shelley Teng Yaki
Absent: Supervisor Hsieh	Absent: Supervisor Hsieh

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No. 97-96-20

SEP 30 1996
Date Approved

Mayor

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FILE NO. 97-96-21.1 ORDINANCE NO. 375-96

[Public Information]

AMENDING SECTION 67.20 OF THE SAN FRANCISCO ADMINISTRATIVE CODE TO EXCLUDE COMPUTER SOFTWARE DEVELOPED BY THE CITY AND COUNTY OF SAN FRANCISCO FROM THE DEFINITION OF PUBLIC INFORMATION.

NOTE: Additions are underlined. Deletions are indicated by ((double parentheses)).

Be it ordained by the People of the City and County of San Francisco:

Section 1. The San Francisco Administrative Code is hereby amended by adding a sentence to Section 67.20 as follows:

SEC. 67.20. DEFINITIONS. Whenever in this article the following words or phrases are used, they shall mean:

(a) "Department" shall mean a department of the City and County of San Francisco.

(b) "Public Information" shall mean the content of "public records" as defined in the California Public Records Act (Government Code Section 6252), whether provided in documentary form or in an oral communication. "Public Information" shall not include "computer software" developed by the City and County of San Francisco as defined in the California Public Records Act (Government Code Section 6254.9).

Approved as to Form:

Louise H. Renne, City Attorney

By: John D. Cooper
Deputy City Attorney

SUPERVISOR KATZ, AMMIANO, YAKI

BOARD OF SUPERVISORS

Page 1 of 1
08/27/96
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Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
September 16, 1996	September 24, 1996
Ayes: Supervisors Alioto Ammiano Bierman Brown Katz Kaufman Leal Shelley Teng Yaki	Ayes: Supervisors Alioto Ammiano Bierman Brown Katz Kaufman Leal Shelley Teng Yaki
Absent: Supervisor Hsieh	Absent: Supervisor Hsieh

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John L. Taylor
Clerk

File No.
97-96-21.1

SEP 30 1996
Date Approved

Mayor

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FILE NO. 97-96-46 ORDINANCE NO. 376-96

(Municipal Railway Improvement Fund)

AMENDING THE ADMINISTRATIVE CODE TO ADD A NEW SECTION 10.205 TO ESTABLISH A MUNICIPAL RAILWAY IMPROVEMENT FUND TO RECEIVE, ADMINISTER AND EXPEND THE FUNDS CERTIFIED BY THE CONTROLLER AND IDENTIFIED IN THE MEMORANDUM OF UNDERSTANDING BETWEEN THE TRANSPORT WORKERS UNION AND THE CITY AND COUNTY OF SAN FRANCISCO EFFECTIVE JULY 1, 1996 AS FUNDS WHICH THE CITY AGREED TO PAY INTO THE TRANSPORT WORKERS UNION-SAN FRANCISCO MUNICIPAL RAILWAY TRUST FUND FOR FISCAL YEARS 1994/95 AND 1996/97 WHICH EXCEED THE LEVEL OF PERMISSIBLE TRANSPORT WORKERS UNION-SAN FRANCISCO MUNICIPAL RAILWAY TRUST FUND PAYMENTS.

Be it ordained by the People of the City and County of San Francisco.

Section 1.

10.205. Municipal Railway Improvement Fund

(a) Establishment of Fund. There is hereby established a special fund in the treasury of the City and County of San Francisco to be known as the Municipal Railway Improvement Fund for the purpose of receiving the amounts certified by the Controller and identified in the Memorandum of Understanding between the Transport Workers Union and the City and County of San Francisco effective July 1, 1996 as amounts which the City agreed to pay into the Transport Workers Union-San Francisco Municipal Railway Trust Fund in fiscal years 1994/95 and 1996/97 which exceed the level of permissible payments to the Transport Workers Union-San Francisco Municipal Railway Trust Fund.

(b) Authorization to Expend. All funds shall be used and expended and are hereby appropriated solely for purposes of improving operations, efficiency and service of the Municipal Railway and may include any expenditure lawful under the city charter, which may include but are not limited to such uses as the implementation of the "Ambassador" program and "Friends of Muni" programs currently under discussion between the Municipal Railway Department and the Transport Worker's Union; employee health facilities; and employee child care facilities. Such expenditures shall be authorized by majority vote of the same individuals serving as the Trustees of the Municipal Railway Trust Fund.

(c) Accrual of Monies in Fund. Any unexpended balances remaining in the fund at the close of any fiscal year shall be deemed to have been provided for a specific purpose within the meaning of Section 6.306 of the Charter and shall be carried forward and accumulated in the fund for the purposes recited herein.

APPROVED AS TO FORM

LOUISE H. RENNE
CITY ATTORNEY

DEPUTY CITY ATTORNEY

DEPT.
OCT - 8 1996

Board of Supervisors, San Francisco

Passed for Second Reading	§	Finally Passed
	§	
September 16, 1996	§	September 24, 1996
	§	
	§	
Ayes: Supervisors Alioto Ammiano	§	Ayes: Supervisors Alioto Ammiano
Bierman Brown Hsieh Katz Kaufman	§	Bierman Brown Katz Kaufman Leal
Leal Shelley Teng Yaki	§	Shelley Teng Yaki
	§	
	§	Absent: Supervisor Hsieh

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John L. Taylor
Clerk

File No.
97-96-46

SEP 30 1996
Date Approved

Mayor

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FILE NO. 34-96-8 ORDINANCE NO. 377-96

[Changing Width of Sidewalk]

AMENDING ORDINANCE NO. 1061 ENTITLED "REGULATING THE WIDTH OF SIDEWALKS" BY ADDING THERETO SECTION NO. 1528 CHANGING THE OFFICIAL SIDEWALK WIDTH AT THE INTERSECTION OF RANDOLPH STREET AND ARCH STREET, AND AT THE INTERSECTION OF BROAD STREET AND PLYMOUTH AVENUE, COLLECTIVELY KNOWN AS MUNI KEYSTOP PHASE "D", AND AS SHOWN ON THE DEPARTMENT OF PUBLIC WORKS DRAWINGS LABELED Q-20-457 AND Q-20-458 AND MAKING FINDINGS PURSUANT TO PLANNING CODE SECTION 101.1.

Be it ordained by the people of the City and County of San Francisco:

SECTION 1: Ordinance No. 1061 entitled " Regulating the Width of Sidewalks", be and is hereby amended in accordance with the communication filed in the Office of the Clerk of the Board of Supervisors, by adding thereto a new section to be numbered as follows:

Section 1528. The width of sidewalks at:

a) The intersection of Randolph Street and Arch Street, shall be as shown on the Department of Public Works drawing labeled Q-20-457, and

b) The intersection of Broad Street and Plymouth Avenue, shall be as shown on the Department of Public Works drawing labeled Q-20-458.

SECTION 2: The Planning Department in its letter dated July 17, 1996 states that the above described changes of official sidewalk widths are in conformity with the General Plan and makes findings of consistency with the Eight Priority Policies of Planning Code Section 101.1.

The San Francisco Board of Supervisors adopts as its own and incorporates by reference herein as though fully set forth the findings made by the Planning Department in its letter dated July 17, 1996, that the project intended by the proposed changes of official sidewalk widths is consistent with the Eight Priority Policies of Planning Code Section 101.1.

MUNI, as is necessary as a result of this Ordinance, shall make arrangements with Public Utility companies and City Departments for the relocation and / or adjustment of their facilities in the affected sidewalk and street areas.

RECOMMENDED:

Mark A. Primeau, A.I.A.
Director of Public Works

DESCRIPTION APPROVED:

John Cory, PLS
Chief Surveyor

APPROVED AS TO FORM:
LOUISE RENNE, CITY ATTORNEY

By Ilene Dick
Deputy City Attorney

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cc

Board of Supervisors, San Francisco

Passed for Second Reading	$	Finally Passed
	$	
September 24, 1996	$	September 30, 1996
	$	
	$	
Ayes: Supervisors Alioto Ammiano	$	Ayes: Supervisors Alioto Ammiano
Bierman Brown Katz Kaufman Leal	$	Bierman Brown Hsieh Katz Kaufman
Shelley Teng Yaki	$	Leal Shelley Teng Yaki
	$	
Absent: Supervisor Hsieh	$	

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John L. Taylor
Clerk

File No.
34-96-8

OCT - 3 1996
Date Approved

Mayor

FILE NO. 34-96-9 ORDINANCE NO. 378-96

[Changing Width of Sidewalk]

AMENDING ORDINANCE NO. 1061 ENTITLED "REGULATING THE WIDTH OF SIDEWALKS" BY ADDING THERETO SECTION NO. 1529 CHANGING THE OFFICIAL SIDEWALK WIDTH ON THE EAST SIDE OF BAY SHORE BOULEVARD SOUTH OF JERROLD AVENUE, AS SHOWN ON THE DEPARTMENT OF PUBLIC WORKS DRAWING LABELED Q-20-436 AND MAKING FINDINGS PURSUANT TO PLANNING CODE SECTION 101.1.

Be it ordained by the people of the City and County of San Francisco:

SECTION 1: Ordinance No. 1061 entitled " Regulating the Width of Sidewalks", be and is hereby amended in accordance with the communication filed in the Office of the Clerk of the Board of Supervisors, by adding thereto a new section to be numbered as follows:

Section 1529. The width of sidewalks on a) East side of Bay Shore Boulevard south of Jerrold Avenue, shall be as shown on the Department of Public Works drawing labeled Q-20-436, and

SECTION 2: The Planning Department in its letter dated November 3, 1994 states that the above described change of official sidewalk width is in conformity with the General Plan and makes findings of consistency with the Eight Priority Policies of Planning Code Section 101.1.

The San Francisco Board of Supervisors adopts as its own and incorporates by reference herein as though fully set forth the findings made by the Planning Department in its letter dated January 30, 1996, that the project intended by the proposed changes of official sidewalk width is consistent with the Eight Priority Policies of Planning Code Section 101.1.

The Department of Parking and Traffic, as is necessary as a result of this Ordinance, shall make arrangements with Public Utility companies and City Departments for the relocation and / or adjustment of their facilities in the affected sidewalk and street areas.

RECOMMENDED:

Mark A. Primeau, P.E.
Director of Public Works

DESCRIPTION APPROVED:

John Cory, PLS
Chief Surveyor

APPROVED AS TO FORM:
LOUISE RENNE, CITY ATTORNEY

By Ilene Dick
Ilene Dick
Deputy City Attorney

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Board of Supervisors, San Francisco

Passed for Second Reading	$	Finally Passed
	$	
September 24, 1996	$	September 30, 1996
	$	
	$	
Ayes: Supervisors Alioto Ammiano Bierman Brown Katz Kaufman Leal Shelley Teng Yaki	$	Ayes: Supervisors Alioto Ammiano Bierman Brown Hsieh Katz Kaufman Leal Shelley Teng Yaki
	$	
	$	
Absent: Supervisor Hsieh	$	

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No. 34-96-9

OCT - 3 1996

Date Approved

Mayor

FILE NO. 90-96-3 ORDINANCE NO. 379-96

(Landmarks)

RESCINDING THE DESIGNATION OF SAINT PAULUS LUTHERAN CHURCH AND PARSONAGE AS LANDMARK NO. 116 PURSUANT TO ARTICLE 10 OF THE CITY PLANNING CODE.

Be It Ordained by the People of the City and County of San Francisco:

Section 1. By its Ordinance No. 406-80, this Board previously designated the Saint Paulus Lutheran Church and Parsonage, located at 950 Gough Street and 969 Eddy Street, Lots 10, 10A and 11 in Assessor's Block 744 as Landmark No. 116.

Section 2. The Church was completely destroyed and the Parsonage was partially destroyed by a catastrophic fire on November 5, 1995. The remainder of the Parsonage was demolished pursuant to Demolition Permit No. 783587.

Section 3. The Board of Supervisors hereby finds that the St. Paulus Lutheran Church and Parsonage site no longer has a special character and special historic, architectural and aesthetic interest and value; and that its designation as Landmark Number 116 no longer furthers and conforms to the purposes and standards of Article 10 of the Planning Code.

//

The Board of Supervisors further recommends that a commemorative plaque be placed on the new construction indicating the history and architecture of the former Saint Paulus Church and Parsonage Landmark site;

(a) Rescinding the Designation. Pursuant to Section 1004(d) of the City Planning Code, Chapter II, Part II of the San Francisco Municipal Code, the designation of St. Paulus Lutheran Church and Parsonage as Landmark Number 116 is hereby rescinded, this rescission of designation having been duly approved by Resolution No. 14173 of the City Planning Commission under File No. 96.324L, which Resolution is on file with the Clerk of the Board of Supervisors under File No. 90-96-3.

(b) Required Data: The description of the location and boundaries of the site of rescinded Landmark No. 116 is the St. Paulus Lutheran Church and Parsonage at 950 Gough Street and 969 Eddy Street, Lots 10, 10A and 11 within Assessor's Block 744.

APPROVED AS TO FORM:	RECOMMENDED:
LOUISE RENNE	CITY PLANNING COMMISSION
CITY ATTORNEY	
By:	By
Deputy City Attorney	Director of Planning

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Board of Supervisors, San Francisco

Passed for Second Reading	$	Finally Passed
	$	
September 24, 1996	$	September 30, 1996
	$	
	$	
Ayes: Supervisors Alioto Ammiano Bierman Brown Katz Kaufman Leal Shelley Teng Yaki	$	Ayes: Supervisors Alioto Ammiano Bierman Brown Hsieh Katz Kaufman Leal Shelley Teng Yaki
	$	
Absent: Supervisor Hsieh	$	

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No.
90-96-3

OCT - 3 1996
Date Approved

Mayor

FILE NO. 101-96-9 (Government Funding)

AS AMENDED IN COMMITTEE 09/18/96
AS AMENDED IN BOARD 09/24/96

ORDINANCE NO. 380-96

RO#96055
SA#09

09/18/96 grh

APPROPRIATING $102,000 FROM A GENERAL FUND RESERVE ESTABLISHED FOR THE YOUTH COMMISSION FOR SALARIES, FRINGE BENEFITS, TRAVEL, TRAINING, RENT, OTHER CURRENT EXPENSES, MATERIALS AND SUPPLIES, EQUIPMENT PURCHASE AND SERVICES OF OTHER DEPARTMENTS, FOR THE CREATION OF ONE (1) POSITION, FOR THE YOUTH COMMISSION, BOARD OF SUPERVISORS FOR FISCAL YEAR 1996-97; PLACING $4,500 ON RESERVE.

Be it ordained by the people of the City and County of San Francisco:

Section 1. Funds are hereby appropriated for FY 1996-1997 as follows:

Department and Number	Source of Funds and Purpose of Appropriation	Amount Debit	Amount Credit
Fund			
1G-AGF-AAA	General Fund		
Department			
UN-UNA	General Unallocated		
Funding Sources			
097-097YC (*CONIGAGFAAA)	Youth Commission Reserve	102,000	
Department			
BD-BOS	Board of Supervisors		
Program			
FAO	Youth Commission		
Funding Uses			
001-00101 (015005)	Permanent Salaries - Misc.		23,901
001-00501 (015005)	Temporary Salaries - Misc.		10,140
013-01301 (015005)	Mandatory Fringe Benefits		8,224

BOARD OF SUPERVISORS

SUPERVISORS YAKI, ALIOTO, BIERMAN, TENG

09/18/96 grh
09/24/96 rt

Department and Number	Source of Funds and Purpose of Appropriation	Amount Debit	Amount Credit
021-02101 (015005)	Travel		4,000
021-02201 (015005)	Training		2,000
021-03011 (015005)	Property Rent		~~13,500~~ 9,000 **
021-03599 (015005)	Other Current Expenses		9,350
040-04999 (015005)	Other Materials & Supplies		~~7,234~~ 11,734 **
060-06098 (015005)	Other Office Equipment		7,266
081-081ET (015005)	Svcs. of Other Dept.-Electricity		10,000
081-081PR	Svcs. of Other Dept.-Reproduction		2,385
081-081PM	Svcs. of Other Dept.-Mail Svcs.		2,000
081-081RE	Svcs. of Other Dept.-Real Estate		2,000 **
	Total	102,000	102,000

BOARD OF SUPERVISORS

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Section 2 Funds are appropriated for the creation of One (1) position by amendment to the Annual Salary Ordinance (Board of Supervisors File No. 102-96-3 as follows:

Class No.	Classification Title	Rate	Number of Positions Created
Program: FAO Youth Commission			
Index Code 015005; Sub-Object 00101:			
1361N	Special Assistant II	1018B1232 11,734	1

/18/96
rh
/24/96
t

Section 3. Funds in the amount of $4,500 of the $~~13,500~~ appropriated for other Materials and Supplies ~~Property Rent~~ are hereby placed on reserve, and to be released by the Budget Committee.

APPROVED AS TO FORM:
LOUISE H. RENNE, CITY ATTORNEY

BY: _____
DEPUTY CITY ATTORNEY

FUNDS AVAILABLE
EDWARD M. HARRINGTON
CONTROLLER

BY: _____

DEPARTMENT OF HUMAN RESOURCES

BY: _____
ANDREA R. GOURDINE, DIRECTOR

n:\ianca\budget\01aa809

BOARD OF SUPERVISORS

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
September 24, 1996	September 30, 1996
Ayes: Supervisors Alioto Ammiano Bierman Brown Katz Kaufman Leal Shelley Teng Yaki	Ayes: Supervisors Alioto Ammiano Bierman Brown Hsieh Katz Kaufman Leal Shelley Teng Yaki
Absent: Supervisor Hsieh	

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

_____
Clerk

File No. 101-96-9

OCT - 3 1996
Date Approved

_____
Mayor

FILE NO. 102-96-3 ORDINANCE NO. 381-96

PUBLIC EMPLOYMENT SAL.ORD.AMEND. NO. 1

AMENDING ORDINANCE NO. 298-96 (ANNUAL SALARY ORDINANCE, 1996/97) REFLECTING THE CREATION OF ONE POSITION IN THE BOARD OF SUPERVISORS, YOUTH COMMISSION.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The hereinafter designated section and items of Ordinance No.298-96 (Annual Salary Ordinance, 1996/97) are hereby amended so that the same shall read as follows:

Department: BOS Board of Supervisors
Program: FAO Youth Commission
Sub-Fund: 1G AGF AAA GF-Non-Project Controlled

(Amendment)	No. Pos.	Class and Item No.	Class Title	Compensation Schedule
1 Added	1	1361	Special Assistant II.....SC	$1018B1232

APPROVED AS TO CLASSIFICATION:
DEPARTMENT OF HUMAN RESOURCES

HUMAN RESOURCES DIRECTOR

APPROVED AS TO FORM:
LOUISE H. RENNE, CITY ATTORNEY

By: Theodore E. Talley
DEPUTY CITY ATTORNEY

SUPERVISORS YAKI, ALIOTO, BIERMAN, TENG

BOARD OF SUPERVISORS

NO. 1

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
September 24, 1996	September 30, 1996
Ayes: Supervisors Alioto Ammiano Bierman Brown Katz Kaufman Leal Shelley Teng Yaki	Ayes: Supervisors Alioto Ammiano Bierman Brown Hsieh Katz Kaufman Leal Shelley Teng Yaki
Absent: Supervisor Hsieh	

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John L. Taylor
Clerk

File No. 102-96-3

OCT - 3 1996
Date Approved

Mayor

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[Collection of Apartment House and Hotel License Fees]

AMENDING PART II, CHAPTER XII, OF THE SAN FRANCISCO MUNICIPAL CODE (HOUSING CODE) BY AMENDING SECTIONS 204(f) AND 302 TO PROVIDE FOR COLLECTION OF ANNUAL LICENSE FEES FOR THE PERIODIC INSPECTION OF APARTMENT HOUSES AND HOTELS ON PROPERTY TAX BILLS.

Note: Additions or substitutions are underlined; deletions are in ((double parentheses)).

Section 1: Be it ordained by the People of the City and County of San Francisco that Part II, Chapter XII of the San Francisco Municipal Code (Housing Code) is hereby amended as follows:

Section 204. VIOLATIONS.

(a) **Penalty for Violation.** Any person, the owner or their authorized agent who violates, disobeys, omits, neglects or refuses to comply with, or who resists or opposes the execution of any of the provisions of this Code, or any order of the Director of the Department of Building Inspection, made pursuant to this Code, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding $1,000, or by imprisonment not exceeding six months, or by both such fine and imprisonment, and shall be deemed guilty of a separate offense for every day such violation, disobedience, omission, neglect or refusal shall continue. Any person who shall do any work in violation of any of the provisions of this Code, or any order of the Director of the Department of Building Inspection made pursuant to this Code, and

any person having charge of such work who shall permit it to be done, shall be liable to the penalty provided.

(b) **Department Members as Public Officers.** In the performance of their duties of monitoring and enforcing compliance with the provisions of this Code, all persons authorized by the Housing Inspection Division of the Department of Building Inspection to conduct on-site inspections shall have the power, authority and immunity of a public officer and employee as set forth in California Penal Code Section 836.5, to make arrests without a warrant whenever such employees have reasonable cause to believe that a violation of this Code has taken place in their presence; provided, however, that no such arrest shall be made until the time period for compliance provided in the initial notice of violation has expired, except that arrests for violations of Sections 701(a), (b) and (c) may be made at the time the violation was observed. In any case in which a person is arrested pursuant to this authority and the person arrested does not demand to be taken before a magistrate, the public officer or employee making the arrest shall prepare a written notice to appear and shall release the person on their promise to appear as prescribed by Chapter 5C (commencing with Section 853.6) of the California Penal Code.

The Director of the Department of Building Inspection, in coordination with the Chief of Police, shall establish and cause to be administered an enforcement training program designed to instruct each employee so authorized by this section to exercise

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arrest and citation authority. Such training shall include guidance and instruction regarding the evidentiary prerequisites to proper prosecution of violations thereof; the appropriate procedures for making arrests or otherwise prudently exercising such arrest and citation authority; and the legal and practical ramifications and limitations relevant to exercising enforcement authority.

(c) **Criminal Penalties for Violation of This Code.** Any person or entity violating any provision of this Code other than Sections 701(a), (b) or (c) shall be guilty of an infraction and a citation pursuant to Section 204(b) may be issued.

The penalty upon conviction thereof shall not be less than $250 or more than $500, no part of which may be suspended.

Only violations of Sections 701(a), (b) and (c) may be charged as a misdemeanor upon issuance of a citation authorized by Section 204(b). The penalty upon conviction thereof shall be a fine of not less than $500 or more than $1,000 or imprisonment in the county jail not exceeding six months, or both such fine and imprisonment, no part of which may be suspended.

(1) Upon failure of the owner or operator to comply with the notice of violation, a citation may issue. Pursuant to California Government Code Sections 36900 and 36901, the fine for infractions shall be as follows:

(i) a fine not exceeding $100 for the initial noncompliance;

///

(ii) A fine not exceeding $200 for the second noncompliance of the same section of the Code within one year of the issuance of the first notice of violation;

(iii) The maximum fine per building under (a) and (b) above shall not exceed $7,500.

(2) For purposes of Section 204(a) and (b), a violation of this Code shall include, but is not limited to, disobedience, omission, failure, or refusal to comply with a requirement imposed or created by this Code or with any notice or order of the Director of the Department of Building Inspection regarding violations of this Code.

(d) **Presumption of Noncompliance with Order; Civil Penalty for Violation of Code.**

(1) Notwithstanding any other provision of this Code, any person or entity served, in any manner permitted for service of process under the provisions of the Code of Civil Procedure, with a notice or order by the Director of the Department of Building Inspection setting forth the nature of the violation of this Code, demanding correction of such violation, and specifying the time within which such violation must be corrected, shall be presumed, in civil proceedings, to have failed to comply with said notice or order at and after the time given in said notice or order for correction of such violation has expired without correction of said violation.

///

(2) Any person or entity violating this Code shall be liable for a civil penalty of not less than $1,000 for each day such violation is committed or permitted to continue, which penalty shall be assessed and recovered in a civil action brought in the name of the people of the City and County of San Francisco by the City Attorney in any court of competent jurisdiction. There shall be no more than one violation per building per day. Any penalty assessed and recovered in an action brought pursuant to this paragraph shall be paid to the Treasurer of the City and County of San Francisco.

(3) The remedies in this Section are in addition to any other remedies provided by law.

(e) **Civil Remedies for Violation of Section 503(d).** In addition to the penalties specified in subsection (a) of this Section, Section 503(d) of this Code may also be enforced by a civil action authorized under this subsection.

(1) Any aggrieved person may enforce Section 503(d) of this Code by means of a civil action.

(2) Any person who violates Section 503(d) of this Code or who aids in the violation of Section 503(d) of this Code shall be liable for three times the amount of special and general damages, or three times the amount of one month's rent that the landlord charges for the unit in question. The court may award in addition thereto, not less than $200 but not more than $400, together with punitive damages. The interested party instituting a civil

proceeding, or the City suing to enforce Section 503(d), if prevailing parties, shall be entitled to the costs of enforcing Section 503(d), including reasonable attorney's fees, pursuant to a court order.

(3) Any person who commits, or proposes to commit, an action in violation of Section 503(d) may be enjoined therefrom by any court of competent jurisdiction.

(4) Any action under this subsection may be brought by any aggrieved person, by the District Attorney, by the City Attorney, or by any interested party on behalf of the aggrieved person.

(5) Any action brought under this subsection shall be filed within one year of the alleged violation.

(f) **Placement of Special Assessment Lien to Recover Fees or Costs.** Any person, the owner or their authorized agent, who violates, disobeys, omits, neglects, or refuses to comply with, or who resists or opposes the execution of any order of the provisions of this Code or any order of the Director of the Department of Building Inspection made pursuant to this Code, will be subject to the placement of a special assessment lien in the amount of the fee owed or delinquent, plus accrued interest, against the real property regulated under this Chapter, for failure to pay items, including but not limited to: 1) required annual apartment/hotel license fees per Section ((1))102 of this Code ((,)); 2) reinspection fees((,)); and, 3) assessment of costs, pursuant to

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((the procedure set forth in)) Sections 102.17-102.18, 108.8 and 110 of the San Francisco Building Code.

(g) **Annual Report to Board of Supervisors.** (1) Six months from the effective date of this ordinance, the Director of the Department of Building Inspection shall provide the Board of Supervisors with information on the implementation of this Section.

(2) Each annual report of the Department of Building Inspection transmitted to the Board of Supervisors shall contain a statistical report detailing the number of citations issued during the preceding year, correlated with a general description of the types of violations for which they were issued.

(h) **Partial Appropriation of Fines Collected.** Up to 25 percent of the monies collected pursuant to this Section, other than monies mandated by State law to be appropriated for specific purposes, shall be deposited directly to the Department of Building Inspection Special Fund to partially offset the costs incurred by the Department of Building Inspection in issuing citations pursuant to this Section.

Section 2.: Be it ordained by the People of the City and County of San Francisco that Part II, Chapter XII of the San Francisco Municipal Code (Housing Code) is hereby amended as follows:

Section 302. FEES.

(a) Apartment House License Fees. Every individual ((or business)) entity ((operating)) which owns or operates an apartment

house, including a residential condominium, as defined by Section 401 of this Code, shall pay an annual license fee. The Tax Collector shall bill the annual Apartment House License Fee as a special assessment lien on the property tax bill mailed to all owners and operators of apartment houses, as defined by this Code. All laws pertaining to the collection and enforcement of ad valorem property taxes, including the date such fees are due and payable, shall apply to the collection and enforcement of the Apartment House License fee. ((The license fee is due and payable on the first day of October of each year. When the license fee has been paid in full for the applicable year and a change of ownership occurs during that year, the new owner shall be liable for only an administrative fee to defray the cost of issuing a new permit.))

The license fee will be used to defray the cost of health and safety inspection and regulation of apartment houses by the Department of Building Inspection. This inspection will be made by the Department of Building Inspection at least once a year; provided, however, that the Director of the Department of Building Inspection is authorized to waive the annual inspection requirement if he or she determines that the apartment house has an established record of compliance with code requirements. In those cases where the Director has waived the annual inspection requirement, an inspection will be made at least once every three years. Additional inspections within any one year may be required.

///

See Building Code, Chapter 1, Schedule 1-P.1. (Apartment House License Fee Schedule) for the applicable fees.

(b) Hotel License Fees. Every individual ((or business)) entity ((operating)) which owns or operates a hotel, shall pay an annual license fee. The Tax Collector shall bill the annual Hotel License Fee as a special assessment lien on the property tax bill mailed to all owners and operators of hotels, as defined by this Code. All laws pertaining to the collection and enforcement of ad valorem property taxes, including the date such fees are due and payable, shall apply to the collection and enforcement of the Hotel License fee. ((The license fee is due and payable on the first day of January of each year. When the license fee has been paid in full for the applicable year and a change of ownership occurs during that year, the new owner shall be liable for only an administrative fee to defray the cost of issuing a new permit.))

The license fee will be used to defray the cost of health and safety inspection and regulation of hotels, as defined herein, by the Department of Building Inspection. This inspection will be made by the Department of Building Inspection at least once a year; provided, however, that the Director of the Department of Building Inspection is authorized to waive the annual inspection requirement if he or she determines that the hotel has an established record of compliance with code requirements. In those cases where the Director has waived the annual inspection requirement, an inspection will be made at least once every three years.

Additional inspections within any one year may be required. See Building Code, Chapter 1, Schedule 1-P.1. (Hotel License Fee Schedule) for the applicable fees.

(c) Responsibility for Payment of Fee. Only one license fee is required to be paid per apartment or hotel subject to this section, consistent with the timelines established herein. In the event that more than one entity receives notice of the obligation for the fee, responsibility for payment of the fee in its entirety is a matter to be resolved by the individual entities.

(((c))) (d) Special Assessment Lien Any person or entity((,)) which fails to pay the required license fees as described ((in Sections 302(a) and (b) of this Code)) in this section will be subject to placement of a special assessment lien in the amount of the fee owed or delinquent, plus accrued interest, against the real property regulated under this Chapter, pursuant to the procedure set forth in ((Sections 102, 108 and 110 of the Building Code)) Article XX of the San Francisco Administrative Code.

APPROVED AS TO FORM:

LOUISE H. RENNE
City Attorney

By: Deputy City Attorney

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cc

Board of Supervisors, San Francisco

Passed for Second Reading	$	Finally Passed
	$	
September 24, 1996	$	September 30, 1996
	$	
	$	
Ayes: Supervisors Alioto Ammiano	$	Ayes: Supervisors Alioto Ammiano
Bierman Brown Katz Kaufman Leal	$	Bierman Brown Hsieh Katz Kaufman
Shelley Teng Yaki	$	Leal Shelley Teng Yaki
	$	
Absent: Supervisor Hsieh	$	

I hereby certify that the foregoing ordinance
was finally passed by the Board of Supervisors
of the City and County of San Francisco

John Taylor
Clerk

File No.
125-96-2

OCT - 3 1996
Date Approved

Willie L. Brown Jr.
Mayor

FILE NO. 121-96-11

AS AMENDED IN COMMITTEE
09/25/96

ORDINANCE NO. 383-96

[Street Artists]

AMENDING ARTICLE 24 OF THE SAN FRANCISCO POLICE CODE BY ADDING SECTION 2404.1.1 THERETO TO ESTABLISH A FEE TO COVER THE ARTS COMMISSIONS' COSTS OF ADMINISTERING THE APPLICATION/EXAMINATION PROCESS.

Note: This entire section is new.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Article 24 of the San Francisco Police Code is hereby amended by adding Section 2404.1.1 to read as follows:

SEC. 2404.1.1. STREET ARTIST APPLICATION/EXAMINATION FEE.

Every person applying for street artist certification, whether for the first time or for re-issuance of certification after a lapse in payment of the certificate fee, shall pay a non-refundable application/examination fee. The fee shall initially be set at 09/25/96 grh ~~twenty-five~~ twenty dollars ~~($25)~~ ($20) and shall be paid upon filing of an application for certification. The application/examination fee collected shall be equal to, but shall not exceed, the fee necessary to support the costs of processing applications and examinations under the Street Artists Ordinance. As part of the report required by Section 2404.2 of this Article, each year the

Arts Commission shall report to the Controller the costs incurred in administering the application and examination process.

The funds credited to the Arts Commission pursuant to this Section, in combination with funds derived from Sections 2404.1 and 2410 of this Ordinance, shall not exceed the actual cost to the Arts Commission of administering and enforcing Proposition "L" and this Article.

APPROVED AS TO FORM:

LOUISE H. RENNE
City Attorney

By: _____
Deputy City Attorney

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OCT 31 1996

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Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
September 30, 1996	October 7, 1996
Ayes: Supervisors Alioto Ammiano Bierman Brown Hsieh Katz Kaufman Leal Shelley Teng Yaki	Ayes: Supervisors Alioto Ammiano Bierman Brown Hsieh Kaufman Leal Shelley Teng Yaki
	Absent: Supervisor Katz

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No.
121-96-11

OCT 15 1996

Date Approved

Mayor

FILE NO. 97-96-51 ORDINANCE NO. 384-96

[Medical Examiner Fees]

AMENDING THE SAN FRANCISCO ADMINISTRATIVE CODE BY AMENDING SECTION 8.14 THEREOF, AUTHORIZING THE MEDICAL EXAMINER TO CHARGE FEES FOR CERTAIN SERVICES.

Note: Additions or substitutions are underlined; deletions are in ((double parentheses)).

Be it ordained by the People of the City and County of San Francisco:

Section 1. The San Francisco Administrative Code is hereby amended by amending Section 8.14 thereof, to read as follows:

Section 8.14 **MEDICAL EXAMINER'S((-CORONER'S)) FEES FOR COPIES OF DOCUMENTS AND CERTAIN SERVICES.**

The Medical Examiner((-Coroner)) is hereby authorized to charge fees to defray the cost of the issuance of the following mentioned documents and the providing of the following services. Any persons requesting or requiring such documents or services shall pay the following fees:

Proof of death for insurance purposes . . . . . $ 5.00

Statement ((of)) to attending physician at death . . .5.00

Certified copy of verdict of inquest 5.00

Non-Contagious Letter 5.00

((Certified copy of necropsy report. . . . . 7.50))

((Certified copy of pathological report. . . . 7.50))

((Certified copy of toxicological report. . . . 7.50))

((Certified copy of Coroner's register page . . . 7.50))

Certified copy of Medical Examiner's Report . . 30.00

Disaster bags for decomposed, accident or infectious cases 15.00

Forensic autopsy performed on non-Medical Examiner's((-Coroner's)) cases or outside county . . . . . ((1,200.00)) 2,000.00

X-rays. . . . . .((50.00)) 100.00 each

Copies of X-rays . . . . . ((10.00)) 20.00 each

Re-cut microscopic slides . . . . . .((10.00)) 20.00 each

Outside use of facilities for identification of remains 30.00

Storage of remains for funeral directors for other than Medical Examiner's ((-Coroner)) cases, per day 25.00

Removal and storage of remains at Medical Examiner's Office prior to completion of investigation (Gov. Code § 27472). Medical Examiner's cases. (The charge, if not paid, may be considered a part of the funeral expense and paid as a preferred charge against the estate of the decedent.) . . 100.00

Storage of remains following completion of investigation and notification of family or

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funeral director of completed investigation, Medical Examiner's((-Coroner's)) cases, per day. 25.00

Removal and storage of remains from rest homes or other agencies that have no facilities for cold storage. 100.00

((Removal and storage of body at Medical Examiner-Coroner's Office (Gov. Code § 27472). . . . 100.00))

Autopsy reports to hospitals and attending physicians 5.00

Certified copy of letter confirming death pending completion of autopsy 5.00

Forensic alcohol report 5.00*

Supporting documentation for results of forensic alcohol report 6.00/page

Blood quantitation for drugs. 250.00

Urine testing for drugs 250.00

Gastric screen 150.00

Tissue screen 175.00

Pre-trial conference at Medical Examiner's

//
//
//
//

*((Includes court appearance if service contract; otherwise)) Court, travel and expert fees will be added.

((-Coroner's) Office . . . . . 100.00/hr.

Pre-trial conference at county of request . . . 250.00/hr.**

Deposition at Medical Examiner's((-Coroner's)) Office . . . . . 150.00/hr.

Deposition outside of ((San Francisco County)) Medical Examiner's Office . . . . . 200.00/hr.**

Court testimony, ((criminal case,)) toxicologist . . . . . ((200.00))250.00/hr.**

Court testimony, ((criminal case,))forensic pathologist . . . . . ((250.00)) 500.00/hr.**

Court testimony, medical technologist or investigator . . . . . 250.00/hr.**

((Pursuant to Section 27472 of the Government Code, whenever custody of a dead body is taken by the Medical Examiner-Coroner pursuant to law, the Medical Examiner-Coroner may charge and collect from the person entitled to control of the remains, as specified in Section 7100 of the Health and Safety Code, the actual expense incurred in removing the body from the place of death and keeping the body until its release to the person

**Travel and accommodation charges will be the responsibility of requesting agency.

responsible for its interment. The charge shall be an amount not to exceed $100, and shall not include expenses of keeping the body during the time necessary for the Medical Examiner-Coroner to perform his or her duties in connection with it. The charge, if not paid, may be considered a part of the funeral expenses and paid as a preferred charge against the estate of the decedent.))

All cases brought into the Medical Examiner's ((-Coroner's)) Office facility shall be billed for transportation, personnel handling, and storage costs, except for the following categories of case:

(1) Decedents under 14 years of age;

(2) Homicides;

(3) In custody or police involved cases;

(4) Indigents (County disposition);

(5) Cases in which private charitable funds available to pay funeral costs would thereby be reduced so as to preclude payment;

(6) Cases specifically exempted by the Medical Examiner((-Coroner)) or his designee.

((All fees set for toxicology testing for outside county, federal and state agencies shall be the maximum charges listed above; however, lower fees may negotiated for service contract work.))

All fees received for documents and services mentioned in this section shall be deposited with the Treasurer and shall be

used to defray the costs incurred by the Medical Examiner ((-Coroner)) in issuing such documents or providing such services.

APPROVED AS TO FORM:

LOUISE H. RENNE, City Attorney

By: Valerie Stoupis
VALERIE J. STOUPIS
Deputy City Attorney

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cc

Board of Supervisors, San Francisco

Passed for Second Reading	$	Finally Passed
	$	
September 30, 1996	$	October 7, 1996
	$	
	$	
Ayes: Supervisors Alioto Ammiano	$	Ayes: Supervisors Alioto Ammiano
Bierman Brown Hsieh Katz Kaufman	$	Bierman Brown Hsieh Kaufman Leal
Leal Shelley Teng Yaki	$	Shelley Teng Yaki
	$	
	$	Absent: Supervisor Katz

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John L. Taylor
Clerk

File No.
97-96-51

OCT 16 1996
Date Approved

Mayor

FILE NO. 34-96-10 ORDINANCE NO. 385-96

[Changing Width of Sidewalk]

AMENDING ORDINANCE NO. 1061 ENTITLED "REGULATING THE WIDTH OF SIDEWALKS" BY ADDING THERETO SECTION NO. 1530 CHANGING THE OFFICIAL SIDEWALK WIDTH ON THE SOUTH SIDE OF TOMPKINS AVENUE BETWEEN PUTNAM STREET AND PERALTA AVENUE, RETROACTIVE TO MAY 21, 1996, AS SHOWN ON THE DEPARTMENT OF PUBLIC WORKS DRAWING LABELED Q-20-430 AND MAKING FINDINGS PURSUANT TO PLANNING CODE SECTION 101.1.

Be it ordained by the people of the City and County of San Francisco:

SECTION 1: Ordinance No. 1061 entitled " Regulating the Width of Sidewalks", be and is hereby amended, retroactive to the completion date of this project, May 21, 1996, in accordance with the communication filed in the Office of the Clerk of the Board of Supervisors, by adding thereto a new section to be numbered as follows:

Section 1530. The width of sidewalks on a) South side of Tompkins Avenue between Putnam Street and Peralta Avenue, shall be as shown on the Department of Public Works drawing labeled Q-20-430, and

SECTION 2: The Planning Department in its letter dated March 20, 1996 states that the above described change of official sidewalk width is in conformity with the General Plan and makes findings of consistency with the Eight Priority Policies of Planning Code Section 101.1.

The San Francisco Board of Supervisors adopts as its own and incorporates by reference herein as though fully set forth the findings made by the Planning Department in its letter dated March 20, 1996, that the project intended by the proposed changes of official sidewalk width is consistent with the Eight Priority Policies of Planning Code Section 101.1.

Bernal Heights Housing Corporation (Applicant), as is necessary as a result of this Ordinance, shall make arrangements with Public Utility companies and City Departments for the relocation and / or adjustment of their facilities in the affected sidewalk and street areas.

RECOMMENDED:

Mark A. Primeau, A.C.A.
Director of Public Works

DESCRIPTION APPROVED:

Harlan L. Kelly, Jr.
City Engineer

APPROVED AS TO FORM:
LOUISE RENNE, CITY ATTORNEY

By Ilene Dick
Deputy City Attorney

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cc

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
October 7, 1996	October 15, 1996
Ayes: Supervisors Alioto Ammiano Bierman Brown Hsieh Katz Kaufman Leal Shelley Teng	Ayes: Supervisors Alioto Ammiano Bierman Brown Hsieh Kaufman Leal Shelley Teng Yaki
Absent: Supervisor Yaki	Absent: Supervisor Katz

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No. 34-96-10

OCT 21 1996

Date Approved

Mayor

FILE NO. 34-96-11 ORDINANCE NO. 386-96

[Changing Official Width of Sidewalk]

AMENDING ORDINANCE NO. 1061 ENTITLED "REGULATING THE WIDTH OF SIDEWALKS" BY ADDING THERETO SECTION NO. 1531 CHANGING THE OFFICIAL SIDEWALK WIDTH ON OAKDALE AVENUE BETWEEN PHELPS STREET AND QUINT STREET, AS SHOWN ON THE DEPARTMENT OF PUBLIC WORKS DRAWING LABELED Q-20-460, AND MAKING FINDINGS PURSUANT TO PLANNING CODE SECTION 101.1.

Be it ordained by the people of the City and County of San Francisco:

SECTION 1: Ordinance No. 1061 entitled " Regulating the Width of Sidewalks", be and is hereby amended in accordance with the communication filed in the Office of the Clerk of the Board of Supervisors, by adding thereto a new section to be numbered as follows:

Section 1531. The width of sidewalks on a) Oakdale Avenue between Phelps Street and Quint Street, shall be as shown on the Department of Public Works drawing labeled Q-20-460, and

SECTION 2: The Planning Department in its letter dated August 6, 1996 states that the above described change of official sidewalk width is in conformity with the General Plan and makes findings of consistency with the Priority Policies of Planning Code Section 101.1.

The San Francisco Board of Supervisors adopts as its own and incorporates by reference herein as though fully set forth the findings made by the Planning Department in its letter dated August 6, 1996, that the project intended by the proposed changes of official sidewalk width is consistent with the Priority Policies of Planning Code Section 101.1.

The Bureau of Engineering, Streets and Highways Section (Applicant), as is necessary as a result of this Ordinance, shall make arrangements with Public Utility companies and City Departments for the relocation and / or adjustment of their facilities in the affected sidewalk and street areas.

RECOMMENDED:

Mark A. Primeau, A.I.A.
Director of Public Works

DESCRIPTION APPROVED:

Harlan L. Kelly, Jr.
City Engineer

APPROVED AS TO FORM:
LOUISE RENNE, CITY ATTORNEY

By: Ilene Dick
Deputy City Attorney

U:\sidewalk\oakdalecord.doc

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Board of Supervisors, San Francisco

Passed for Second Reading	$	Finally Passed
	$	
October 7, 1996	$	October 15, 1996
	$	
	$	
Ayes: Supervisors Alioto Ammiano Bierman Brown Hsieh Katz Kaufman Leal Shelley Teng	$	Ayes: Supervisors Alioto Ammiano Bierman Brown Hsieh Kaufman Leal Shelley Teng Yaki
	$	
Absent: Supervisor Yaki	$	Absent: Supervisor Katz

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No.
34-96-11

OCT 21 1996

Date Approved

Mayor

FILE NO. 36-96-4 ORDINANCE NO. 387-96

ADOPTING A NEW SPECIAL USE DISTRICT AS AN AMENDMENT TO THE ZONING MAP OF THE CITY AND COUNTY OF SAN FRANCISCO AFFECTING PROPERTY LOCATED AT 5545 THIRD STREET, LOT 6, ASSESSOR'S BLOCK 5419, TO ESTABLISH THE THIRD STREET AND ARMSTRONG AVENUE AFFORDABLE HOUSING SPECIAL USE DISTRICT, AND ADOPTING FINDINGS PURSUANT TO PLANNING CODE SECTION 101.1.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Pursuant to resolution of the Board of Supervisors, **[if environmental review is required and a negative declaration is prepared, then add: and adopting the final negative declaration as its own]**, and pursuant to Sections 235, 252 and 302(c) of the City Planning Code, Part II, Chapter II of the San Francisco Municipal Code, the following special use district, duly approved by resolution of the City Planning Commission, is hereby adopted as an amendment to the Zoning Map of the City and County of San Francisco.

Description of Property

LOT 6, ASSESSOR'S BLOCK 5419, as more particularly described on Exhibit A, attached hereto and incorporated herein by reference as though fully set forth.

SUPERVISORS BROWN, TENG, BIERMAN

Special Use District Hereby Approved

Third Street and Armstrong Avenue Affordable Housing Special Use District, Section 249.17 of the Planning Code.

Section 2. Pursuant to Planning Code Section 101.1, this Board of Supervisors adopts City Planning Commission Resolution No. 14178 approving findings related to the Eight Priority Policies of Section 101.1 of the Planning Code.

APPROVED AS TO FORM:
LOUISE H. RENNE, CITY ATTORNEY

By: Judith A. Boyajian
Deputy City Attorney

RECOMMENDED
CITY PLANNING COMMISSION

By: _____
Amit Ghosh
Interim Director of Planning

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Board of Supervisors, San Francisco

Passed for Second Reading	$	Finally Passed
	$	
October 7, 1996	$	October 15, 1996
	$	
	$	
Ayes: Supervisors Alioto Ammiano Bierman Brown Hsieh Katz Kaufman Leal Shelley Teng	$	Ayes: Supervisors Alioto Ammiano Bierman Brown Hsieh Kaufman Leal Shelley Teng Yaki
	$	
Absent: Supervisor Yaki	$	Absent: Supervisor Katz

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John L. Taylor
Clerk

File No.
36-96-4

OCT 21 1996
Date Approved

Willie L. Brown Jr.
Mayor

FILE NO. 36-96-5 ORDINANCE NO. 388-96

ADOPTING A CHANGE TO THE HEIGHT AND BULK CLASSIFICATION AS AN AMENDMENT TO THE ZONING MAP OF THE CITY AND COUNTY OF SAN FRANCISCO AFFECTING PROPERTY LOCATED AT 5545 THIRD STREET, LOT 6, ASSESSOR'S BLOCK 5419, TO CHANGE THE HEIGHT AND BULK CLASSIFICATION FROM 40-X to 40-65-J, AND ADOPTING FINDINGS PURSUANT TO PLANNING CODE SECTION 101.1.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Pursuant to resolution of the Board of Supervisors, **[if environmental review is required and a negative declaration is prepared, then add: and adopting the final negative declaration as its own]**, and pursuant to Sections 235, 252 and 302(c) of the City Planning Code, Part II, Chapter II of the San Francisco Municipal Code, the following change in height and bulk classification, duly approved by resolution of the City Planning Commission, is hereby adopted as an amendment to the Zoning Map of the City and County of San Francisco.

Description of Property

LOT 6, ASSESSOR'S BLOCK 5419, as more particularly described on Exhibit A, attached hereto and incorporated herein by reference as though fully set forth.

SUPERVISORS BROWN, TENG, BIERMAN

Height and Bulk District to be Superseded

40-X

Height and Bulk District Hereby Approved

40-65-J

Section 2. Pursuant to Planning Code Section 101.1, this Board of Supervisors adopts City Planning Commission Resolution No. 14179 approving findings related to the Eight Priority Policies of Section 101.1 of the Planning Code.

APPROVED AS TO FORM:
LOUISE H. RENNE, CITY ATTORNEY

By: Judith A. Bryan
Deputy City Attorney

RECOMMENDED
CITY PLANNING COMMISSION

By: _____
Amit Ghosh
Interim Director of Planning

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OCT 31 1996
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Board of Supervisors, San Francisco

Passed for Second Reading	$	Finally Passed
	$	
October 7, 1996	$	October 15, 1996
	$	
	$	
Ayes: Supervisors Alioto Ammiano	$	Ayes: Supervisors Alioto Ammiano
Bierman Brown Hsieh Katz Kaufman	$	Bierman Brown Hsieh Kaufman Leal
Leal Shelley Teng	$	Shelley Teng Yaki
	$	
Absent: Supervisor Yaki	$	Absent: Supervisor Katz

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No.
36-96-5

OCT 21 1996
Date Approved

Mayor

FILE NO. 45-96-60 ORDINANCE NO. 389-96

RO#96047

[SETTLEMENT OF LAWSUIT]
AUTHORIZING SETTLEMENT OF LITIGATION OF MILLICENT & JOHN RUTHERFORD AGAINST THE CITY AND COUNTY OF SAN FRANCISCO for $95,000.00.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The City Attorney is hereby authorized to settle the action entitled "MILLICENT & JOHN RUTHERFORD V. CITY AND COUNTY OF SAN FRANCISCO, et al., "Superior Court No. 969-806, by the payment of $95,000.00.

APPROVED AS TO FORM AND RECOMMENDED:

LOUISE H. RENNE
City Attorney

PATRICK J. MAHONEY
Chief Trial Deputy

FUNDS AVAILABLE:

CONTROLLER

5M-AAA-AAA 35-00-00
352730 05311 $95,000.00

AUG 29 1996

BOARD OF SUPERVISORS

RECOMMENDED:

DEPARTMENT OF PUBLIC TRANSPORTATION COMMISSION

EMILIO CRUZ, Director

APPROVED:

PUBLIC TRANSPORTATION COMMISSION

SECRETARY

Board of Supervisors, San Francisco

Passed for Second Reading

October 7, 1996

Ayes: Supervisors Alioto Ammiano Bierman Brown Hsieh Kaufman Leal Shelley Teng Yaki

Absent: Supervisor Katz

Finally Passed

October 15, 1996

Ayes: Supervisors Alioto Ammiano Bierman Brown Hsieh Kaufman Leal Shelley Teng Yaki

Absent: Supervisor Katz

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No. 45-96-60

OCT 21 1996
Date Approved

Mayor

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OCT 31 1996
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FILE NO. 45-96-61 ORDINANCE NO. 390-96

RO#96048

[SETTLEMENT OF LAWSUIT]

AUTHORIZING SETTLEMENT OF LITIGATION OF LILLIAN ENG AGAINST THE CITY AND COUNTY OF SAN FRANCISCO FOR $16,000.00.

Be it ordained by the People of the City and County of San Francisco:

Section I. The City Attorney is hereby authorized to settle the action entitled "Lillian Eng vs. George Sanders, MUNI, C.C.S.F. et al., Superior Court Action No. 964-732, by the payment of $16,000.00 to Lillian Eng.

APPROVED AS TO FORM AND RECOMMENDED:

LOUISE H. RENNE
City Attorney

PATRICK J. MAHONEY
Chief Trial Attorney

RECOMMENDED:
SAN FRANCISCO MUNICIPAL RAILWAY

DIRECTOR
Public Transportation

FUNDS AVAILABLE:

EDWARD HARRINGHTON
Controller

APPROVED:
PUBLIC TRANSPORTATION COMMISSION

ROBERTA BOOMER
Secretary

5M-AAA-AAA 35-00-00
352730 05311 $16,000.00

BOARD OF SUPERVISORS AUG 29 1996

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
October 7, 1996	October 15, 1996
Ayes: Supervisors Alioto Ammiano Bierman Brown Hsieh Kaufman Leal Shelley Teng Yaki	Ayes: Supervisors Alioto Ammiano Bierman Brown Hsieh Kaufman Leal Shelley Teng Yaki
Absent: Supervisor Katz	Absent: Supervisor Katz

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John L. Taylor
Clerk

File No.
45-96-61

OCT 21 1996
Date Approved

Mayor

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FILE NO. 45-96-63

ORDINANCE NO. 391-96

RO#96057

[SETTLEMENT OF LAWSUIT]

AUTHORIZING SETTLEMENT OF LITIGATION OF C S E INSURANCE COMPANY AGAINST THE CITY AND COUNTY OF SAN FRANCISCO FOR $10,327.27.

Be it ordained by the People of the City and County of San Francisco:

Section I. The City Attorney is hereby authorized to settle the action entitled "C S E Insurance Company v. Debra F. Borthne, City and County of San Francisco," Municipal Court Action No. 128-103, by the payment of $10,327.27 to C S E Insurance Company.

APPROVED AS TO FORM AND RECOMMENDED:

LOUISE H. RENNE
City Attorney

PATRICK J. MAHONEY
Chief Trial Deputy

RECOMMENDED:
DEPARTMENT OF PARKING AND TRAFFIC

JOHN NEWLIN
Executive Director

FUNDS AVAILABLE:

EDWARD HARRINGTON
Controller

1G-AGF-AAA 97-09-36
975032 05311 $10,327.27

APPROVED:
PARKING AND TRAFFIC COMMISSION

Secretary

BOARD OF SUPERVISORS

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
October 7, 1996	October 15, 1996
Ayes: Supervisors Alioto Ammiano Bierman Brown Hsieh Kaufman Leal Shelley Teng Yaki	Ayes: Supervisors Alioto Ammiano Bierman Brown Hsieh Kaufman Leal Shelley Teng Yaki
Absent: Supervisor Katz	Absent: Supervisor Katz

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No.
45-96-63

OCT 21 1996
Date Approved

Mayor

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FILE NO. 45-96-64 ORDINANCE NO. 392-96

[Settlement Of Lawsuit]

AUTHORIZING SETTLEMENT OF LITIGATION OF **COUNTY OF SANTA CLARA V. CITY AND COUNTY OF SAN FRANCISCO** AND THE CITY'S CONVEYANCE OF AN EASEMENT TO THE COUNTY OF SANTA CLARA FOR $1,250.

Note: This entire section is new.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The City Attorney is hereby authorized to settle the eminent domain action entitled County of Santa Clara v. City and County of San Francisco, Santa Clara County Superior Court Action No. CV 757163, by stipulating to the entry of a judgment in condemnation and a final order of condemnation awarding the City compensation of $1,250 and conveying to Santa Clara County an easement of 200 square feet for a soundwall on property under the jurisdiction of the San Francisco Water Department adjacent to the Lawrence Expressway. The San Francisco Public Utilities Commission approved the settlement in Resolution No. 96-0159, adopted at its regular meeting on August 13, 1996.

APPROVED AS TO FORM AND RECOMMENDED:

LOUISE H. RENNE
City Attorney

ANDREW W. SCHWARTZ
Deputy City Attorney

RECOMMENDED:

DEPARTMENT OF REAL ESTATE

ANTHONY J. DELUCCHI
Director of Property

BOARD OF SUPERVISORS

Board of Supervisors, San Francisco

Passed for Second Reading	§	Finally Passed
October 7, 1996	§	October 15, 1996
Ayes: Supervisors Alioto Ammiano Bierman Brown Hsieh Kaufman Leal Shelley Teng Yaki	§	Ayes: Supervisors Alioto Ammiano Bierman Brown Hsieh Kaufman Leal Shelley Teng Yaki
Absent: Supervisor Katz	§	Absent: Supervisor Katz

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John L. Taylor
Clerk

File No. 45-96-64

OCT 21 1996
Date Approved

Mayor

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FILE NO. 45-96-65

ORDINANCE NO. 393-96

RO#96064

[SETTLEMENT OF LAWSUIT]

AUTHORIZING SETTLEMENT OF LITIGATION OF LISA STRAIN AND DESIREE SMITH AGAINST THE CITY AND COUNTY OF SAN FRANCISCO FOR UP TO $75,000.00.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The City Attorney is hereby authorized to settle the action entitled "LISA STRAIN and DESIREE SMITH V. THE CITY AND COUNTY OF SAN FRANCISCO, ET AL.," United States District Court No. C95-04652 SAW, by the payment of up to $75,000.00.

APPROVED AS TO FORM AND RECOMMENDED:

LOUISE H. RENNE
City Attorney

PATRICK J. MAHONEY
Chief Trial Deputy

RECOMMENDED:

SAN FRANCISCO POLICE DEPARTMENT

FRED H. LAU, Chief

APPROVED:

SAN FRANCISCO POLICE COMMISSION

Secretary

FUNDS AVAILABLE:

HOWARD M. HARRINGTON
Controller

1G-AGF-AAA - 38-00-00
385026 05311 $75,000

SEP 11 1996

BOARD OF SUPERVISORS

Board of Supervisors, San Francisco

Passed for Second Reading	$	Finally Passed
	$	
October 7, 1996	$	October 15, 1996
	$	
	$	
Ayes: Supervisors Alioto Ammiano Bierman Brown Hsieh Kaufman Leal Shelley Teng Yaki	$	Ayes: Supervisors Alioto Ammiano Bierman Brown Hsieh Kaufman Leal Shelley Teng Yaki
	$	
Absent: Supervisor Katz	$	Absent: Supervisor Katz

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John L. Taylor
Clerk

File No.
45-96-65

OCT 21 1996
Date Approved

Mayor

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FILE NO. 45-96-66

ORDINANCE NO. 394-96

RO#96062

[SETTLEMENT OF LAWSUIT]

AUTHORIZING SETTLEMENT OF LITIGATION OF LEE JACOB LOEWINSOHN AGAINST THE CITY AND COUNTY OF SAN FRANCISCO for $80,000.00.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The City Attorney is hereby authorized to settle the action entitled "Lee Jacob Loewinsohn v. City and County of San Francisco, et al.," Court No. 970-640, by the payment of $80,000.00.

APPROVED AS TO FORM AND RECOMMENDED:

LOUISE H. RENNE
City Attorney

PATRICK J. MAHONEY
Chief Trial Deputy

RECOMMENDED:

MARK A. PRIMEAU
Director

FUNDS AVAILABLE:

EDWARD M. HARRINGTON
Controller

1G-AGF=AAA 97-09-90
975016 05311 $80,000.00

SEP 11 1996

BOARD OF SUPERVISORS

CC

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
October 7, 1996	October 15, 1996
Ayes: Supervisors Alioto Ammiano Bierman Brown Hsieh Kaufman Leal Shelley Teng Yaki	Ayes: Supervisors Alioto Ammiano Bierman Brown Hsieh Kaufman Leal Shelley Teng Yaki
Absent: Supervisor Katz	Absent: Supervisor Katz

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No. 45-96-66

OCT 21 1996
Date Approved

Mayor

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FILE NO. 81-96-1 ORDINANCE NO. 395-96

AMENDING PART II, CHAPTER II OF THE SAN FRANCISCO MUNICIPAL CODE (CITY PLANNING CODE) BY ADDING SECTION 249.17 TO CREATE AN AFFORDABLE HOUSING SPECIAL USE DISTRICT AT THIRD STREET AND ARMSTRONG AVENUE.

Note: The entire section is new.

SEC. 249.17. THIRD STREET AND ARMSTRONG AVENUE AFFORDABLE HOUSING SPECIAL USE DISTRICT. In order to provide for affordable rental opportunities for very low, lower and/or moderate income households, there shall be a Third Street and Armstrong Avenue Affordable Housing Special Use District, consisting of Lot 6 of Assessor's Block 5419, as designated on Sectional Map10SU of the Zoning Map. The following provisions shall apply within such special use district:

(a) Any developer of housing who agrees to construct at least (1) 20 percent of the total units of a housing development for lower income households or (2) 10 percent of the total units of a housing development for very low income households, shall be entitled to a density bonus upon approval by the City Planning Commission as a conditional use under Section 303 of this Code.

(b) For purposes of this Section, the following definitions shall apply:

SUPERVISORS BROWN, TENG, BIERMAN

(1) "Density bonus" shall mean a density increase of 43 percent over the number of dwelling units otherwise permitted in the district. The density bonus shall not be calculated as part of the total units for purposes of determining the percentage of designated units.

(2) "Designated unit" shall mean a housing unit identified and reported by the developer of a housing development as a unit that is affordable to households of low or very low income.

(3) "Housing development" shall mean five or more dwelling units.

(4) "Lower income households" is defined in Section 50079.5 of the Health and Safety Code.

(5) "Very low income households" is defined in Section 50105 of the Health and Safety Code.

(c) In this district all of the provisions of this Code applicable to residential development in an M-1 Zoning District shall continue to apply, including the requirement that conditional use authorization be obtained to permit residential development, except as specifically provided in Subsection (d).

(d) In this special use district a modification to or exception from otherwise applicable requirements of this Code may be appropriate in order to further the critical goal of creating affordable housing. A conditional use approval for a housing development subject to this Section may modify or grant

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the following modifications or exceptions to the requirements of this Code if the facts presented are such as to establish that the modification or exception satisfies the criteria of Subsections 303(c)(1) through 303(c)(3) of this Code:

(1) A modification of off-street parking requirements of Section 151 of this Code to allow the total number of on-site parking spaces to exceed 150 percent of the Code required number of parking spaces.

(2) A modification of the rear yard requirements of Section 134 of this Code to substitute at a minimum an equivalent amount of open space situated anywhere within this special use district.

(e) The controls of this Section shall remain in effect until December 31, 2002.

APPROVED AS TO FORM:

LOUISE H. RENNE, CITY ATTORNEY

By: Judith R. Boyajian
Deputy City Attorney

cc

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
October 7, 1996	October 15, 1996
Ayes: Supervisors Alioto Ammiano Bierman Brown Hsieh Katz Kaufman Leal Shelley Teng	Ayes: Supervisors Alioto Ammiano Bierman Brown Hsieh Kaufman Leal Shelley Teng Yaki
Absent: Supervisor Yaki	Absent: Supervisor Katz

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John Taylor
Clerk

File No. 81-96-1

OCT 21 1996
Date Approved

Willie L. Brown Jr.
Mayor

FILE NO. 82-96-3 ORDINANCE NO. 396-96

[Grant of Easement]

AUTHORIZING CONVEYANCE OF TRAIL EASEMENTS OVER WATER DEPARTMENT PENINSULA WATERSHED TO THE COUNTY OF SAN MATEO.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Pursuant to a Memorandum of Understanding dated April 22, 1993, the Public Utilities Commission agreed, subject to necessary approvals, to grant permanent trail easements to the County of San Mateo across portions of the Water Department Peninsula Watershed.

Section 2. The Water Department has determined that the trail facilities will not adversely affect the watershed and the County of San Mateo has agreed to be responsible for all costs of developing and maintaining the trails and associated facilities.

Section 3. In accordance with the recommendation of the Public Utilities Commission and the Director of Property, the Board of Supervisors hereby approves the conveyance of the easements to the County of San Mateo according to the terms and conditions of the Memorandum of Understanding and the Grant of Easement, which are on file with the Clerk of the Board of Supervisors, and hereby authorizes the Director of Property to execute said Grant of Easement.

Section 4. The conveyance of the subject easements will not affect the City's Master Plan.

RECOMMENDED:

PUBLIC UTILITIES COMMISSION

By _____
Manager of Utilities
(Pursuant to PUC Res. No. 96-0109)

_____
Director of Property

APPROVED AS TO FORM:
Louise H. Renne, City Attorney

By _____
Joshua Milstein
Deputy City Attorney

(Real Estate)

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Board of Supervisors, San Francisco

Passed for Second Reading	$	Finally Passed
	$	
October 7, 1996	$	October 15, 1996
	$	
	$	
Ayes: Supervisors Alioto Ammiano	$	Ayes: Supervisors Alioto Ammiano
Bierman Brown Hsieh Kaufman Leal	$	Bierman Brown Hsieh Kaufman Leal
Shelley Teng Yaki	$	Shelley Teng Yaki
	$	
Absent: Supervisor Katz	$	Absent: Supervisor Katz

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John L. Taylor
Clerk

File No.
82-96-3

OCT 21 1996
Date Approved

Mayor

FILE NO. 97-96-47 ORDINANCE NO. 397-96

[Relocation Assistance/Lead Administration Fund]

AMENDING ADMINISTRATIVE CODE, CHAPTER 10, ARTICLE XIII BY ADDING SECTION 10.117-116, TO BE KNOWN AS THE RELOGATION ASSISTANCE/LEAD ADMINISTRATION FUND, INTO WHICH THE FEES IMPOSED ON OWNERS OF PROPERTIES BUILT OR REHABILITATED BEFORE 1978 WILL BE DEPOSITED TO PROVIDE FOR THE COSTS OF RELOCATION ASSISTANCE AND ADMINISTRATION INCURRED IN THE REMEDIATION OF LEAD HAZARDS IN RESIDENTIAL UNITS OCCUPIED BY A LEAD POISONED CHILD.

Note: This entire Section is new.

Be it ordained by the People of the City and County of San Francisco:

Section 10.117-116: Relocation Assistance/Lead Administration Fund

(a) **Establishment.** There is hereby established a special fund, to be known as the Relocation Assistance/Lead Administration Fund. Into this fund shall be deposited all monies payable to the Tax Collector pursuant to Chapter 73 of the San Francisco Administrative Code for the purpose of financing the short term relocation costs associated with the remediation of lead hazards in residential units which are occupied by a lead poisoned child and related administrative costs, including the costs associated with identifying lead hazards, as defined by Article 26 of the San Francisco Health Code and the administrative costs incurred by the Tax Collector and Telecommunications Information Services Department, pursuant to Section 10.194 of the Administrative Code.

(Supervisors Shelley, Alioto, Ammiano, Bierman, Brown, Hsieh, Katz, Kaufman, Leal Teng, Yaki)

(b) **Administration of Fund.** The Department of Public Health shall administer the Fund, and in conjunction with the Health Commission, shall periodically review the demand for relocation assistance and the utilization of the Fund by persons who are eligible for relocation assistance from the Fund to determine the adequacy of Fund proceeds, to determine whether the regulatory fee should be adjusted, subject to the limits imposed by Chapter 73 of this Code.

(c) **Appropriation of Monies:** Subject to the budget and fiscal provisions of the Charter, the monies in this fund may only be expended for funding the following purposes:

(1) providing monetary relocation assistance in the event of short term displacement necessary to complete lead remediation activities in residential units which are occupied by a lead poisoned child, as provided by Chapter 72 of the San Francisco Administrative Code; and,

(2) providing for the administrative costs of inspection, sampling, and testing associated with identifying lead hazards, as defined by Article 26 of the San Francisco Health Code; provided however that the Controller shall have the authority to modify the appropriations in the event the regulatory fee is adjusted. In the event that monies are appropriated to the Department of Public Health from this Fund to pay for the costs described in this subsection, this Fund shall be reimbursed any subsequent payments made by property owners to the Department of Public Health pursuant to Health Code Section 1628(h); and,

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(3) payment of the administrative costs incurred by departments charged with administering this Fund, including but not limited to the Assessor, Tax Collector and Telecommunications Information Services Department.

(d) **Interest.** Interest earned from the Relocation Assistance/Lead Administration Fund shall become part of the principal thereof and shall not be expended for any purpose other than that for which said fund is established.

(e) **Accumulation of Monies in Fund.** The balance remaining in the Relocation Assistance/Lead Administration Fund at the close of any fiscal year shall be deemed to have been provided for a specific purpose within the meaning of Charter Section 9.113 and shall be carried forward and accumulated in said fund for the purposes recited therein.

APPROVED AS TO FORM:

LOUISE H. RENNE
City Attorney

By: _____
Deputy City Attorney

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
October 7, 1996	October 15, 1996
Ayes: Supervisors Alioto Bierman Brown Hsieh Katz Kaufman Leal Shelley Teng Yaki	Ayes: Supervisors Alioto Ammiano Bierman Brown Hsieh Kaufman Leal Shelley Teng Yaki
Absent: Supervisor Ammiano	Absent: Supervisor Katz

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

_____
Clerk

File No.
97-96-47

OCT 21 1996
Date Approved

_____
Mayor

FILE NO. 97-96-48 ORDINANCE NO. 398-96

[Rent Escrow Account Program]

AMENDING SAN FRANCISCO ADMINISTRATIVE CODE BY ADDING CHAPTER 74 THERETO, AUTHORIZING THE DEPARTMENT OF PUBLIC HEALTH TO COLLECT RENTS FOR RESIDENTIAL UNITS OCCUPIED BY A LEAD POISONED CHILD AND DEPOSIT THEM INTO A RENT ESCROW ACCOUNT TO BE USED TO ABATE LEAD HAZARDS IN CONJUNCTION WITH ABATEMENT FUNDS AVAILABLE IN HEALTH CODE SECTION 599; MANDATING THAT SAID ESCROW FUNDS BE USED SOLELY TO ABATE THE UNSAFE CONDITIONS ARISING FROM LEAD HAZARDS UPON THE OWNERS' FAILURE TO ABATE SUCH HAZARDS; PROVIDING THAT PAYMENT OF AN ADMINISTRATIVE FEE EQUAL TO THE REASONABLE COST OF ADMINISTRATION OF THE ESCROW ACCOUNT BE PAID BY THE OWNER AND DEPOSITED IN THE ACCOUNT, AND FURTHER PROVIDING THAT PAYMENT OF RENT INTO SAID ACCOUNT IS NOT A BASIS FOR EVICTION.

NOTE: Entire section is new.

Sec. 1. Be it ordained by the People of the City and County of San Francisco:

74.1. **General.**

A. **Purpose.** It is the purpose of this Chapter to provide a just, efficient and practical method of abating unsafe or substandard housing conditions attributable to the presence of lead hazards in a unit occupied by a lead poisoned child; to be

(Supervisors Shelley, Alioto, Ammiano, Bierman, Brown, Hsieh, Katz, Kaufman, Leal, Teng, Yaki)

cumulative, and in addition, to any other remedy available at law or equity for said abatement; to encourage full and expedient compliance by landlords with the standards for lead safe dwellings, as set forth in Article 26 of the San Francisco Health Code.

B. **Scope.** This Chapter shall apply to all residential units in all existing buildings, structures, and premises which consist of or contain one or more rental units, as defined herein. The remedy provided by this Chapter shall be in addition to those remedies for failure to perform ordinary repair and maintenance which results in abatement of lead hazards, as defined by Article 26 of the Health Code, and those remedies provided by Chapter 37, San Francisco Administrative Code ("Chapter 37"); provided, further that nothing in this Chapter shall alter, enlarge or modify the scope of Chapter 37.

C. **Role of Director of Public Health.** The Director of Public Health, or his or her designee, shall be responsible for carrying out the provisions of this Chapter. The Director is hereby authorized to issue orders and promulgate policies, rules and regulations to effectuate the purposes of this chapter by conducting studies and investigations and holding such public

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hearings as are deemed necessary to promulgate, administer and enforce any regulation, rule or order adopted pursuant to this chapter.

D. **Other provisions of the San Francisco Municipal Code unaffected hereby.** Adoption of this chapter shall not be deemed to repeal directly or by implication any other provision of the San Francisco Municipal Code, and the adoption hereof shall not affect or diminish the power or authority of an officer or employee of the City to condemn, demolish, vacate or repair any building or structure erected or maintained in violation of any provision of said Municipal Code or to cause the condemnation, demolition, vacation or repair of the same. The administration and application of the provisions of this chapter shall not be construed as constituting ownership, operation, or management by the City and County of San Francisco ("City") of any building. In addition, nothing in this Chapter shall be construed to cause the City, its agents, employees or officers, to be agents, employees, partners, or joint ventures of a landlord, a tenant or any interested party who receives funds from the REAP trust fund.

E. **Cumulative nature of remedies and penalties.** Unless otherwise expressly provided, the remedies and penalties provided

by this chapter are cumulative to each other and to any other remedies or penalties available under law.

74.2 Definitions

The following words and phrases, whenever used in this chapter, shall be construed as defined in this section:

CITING DEPARTMENT: The Childhood Lead Prevention Program within the Department of Public Health or its successor agency, and the Department of Building Inspection or its successor agency.

DIRECTOR-DBI: Director of Building Inspection or his or her designee.

DIRECTOR-DPH: Director of Public Health or his or her designee.

INTERESTED PARTY: Any person, firm, corporation, partnership, or other entity having a recorded interest in the real property which is the subject of abatement action or participating in the Rent Escrow Account Program, including but not limited to judgment liens, mechanics' liens, and liens for payment of family support.

LANDLORD: An owner, lessor, or sublessor (including any person, firm, corporation, partnership, or other entity) who receives or

is entitled to receive rent for the use and occupancy of any residential unit or portion thereof, or the agent, representative, or successor of any of the foregoing.

PROOF OF COMPLIANCE: Documentation, in such form as the citing department shall provide, that the lead hazards described in the order or citation have been fully abated. The Director-DPH, by regulation, may specify the acceptable evidence for proof of compliance. The burden is on the landlord or the interested party to obtain and provide to the Director any proof of compliance.

REAP: Rent Escrow Account Program, as provided by this chapter, which results in the creation of individual escrow accounts, comprised of monthly rental payments by tenants occupying unsafe residential units, the deposits of which are to be used for the abatement of lead hazards in said unsafe residential units.

RESIDENTIAL UNIT: All residential dwelling units in the City and County of San Francisco, together with the land and appurtenant buildings, structures, or premises thereto, which consist of or contain one or more rental units, including the housing services, furnishings and facilities supplied in connection with the residential use or occupancy.

TENANT: A person entitled to use or occupy a residential unit by written or oral agreement, including a tenant, subtenant, or any person whose right to occupancy is through sufferance.

UNSAFE RESIDENTIAL UNIT: A residential unit shall be deemed unsafe for the purposes of this chapter only if it is the subject of a citation or order issued by the citing department and is deemed a nuisance pursuant to Article 26 of the Health Code.

74.3 **REAP Trust Fund.**

The Director-DPH shall establish and maintain the REAP fund in accordance with the provisions of this chapter and in accord with commonly accepted fiduciary practice. Funds to be used for the purposes established by REAP shall consist of payments made into the fund in the form of monthly rental payments of tenants lawfully occupying unsafe residential units received by DPH pursuant to the provisions of this Chapter.

74.4 **Use of REAP and Health Code § 599 Funds**

The funds which derive from Health Code § 599 or are paid into the escrow account shall only be expended on the abatement of lead hazards, as defined by the Director-DPH. The use of these funds shall be limited to the reasonable cost of materials and labor in performing the abatement work.

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74.5 **Pre-certification Procedures.**

A. **Consideration by Director-DPH for placement in REAP.** The Director-DPH may abate lead hazards found in any building through the REAP process. Consideration of a building containing an unsafe residential unit for placement in the REAP must take place no more than ten (10) days from the expiration of the period allowed for compliance with an order or citation issued by the citing department where the unsafe conditions listed on such order remain, or ninety (90) days after the date such order or citation was issued, whichever first occurs. Funds available to DPH to abate lead hazards in a building in the REAP shall consist of all monies that have accumulated in the fund established by Health Code § 599 and monthly rental deposits made to the REAP Trust Fund by the tenants of the building in which the unsafe residential unit is situated.

Before any funds can be expended by the City, the Director shall review a description of the unsafe conditions, including their location within the premises, and any other information as required by such regulations as the Director-DPH may promulgate. In any actions or proceedings pursuant to this chapter, a recommendation to use REAP shall not be invalidated solely

because required information is not reviewed, is inaccurate or is incomplete.

B. **Notice of Decision to Use REAP Process to Abate Lead Hazards.** Within three (3) days of making the decision to use the REAP process to abate the lead hazards, the Director-DPH shall provide, in writing, his/her decision to utilize REAP to abate lead hazards in the unsafe residential unit to the landlord, tenants, any interested parties and any other person who has requested such notification in writing.

C. **Manner of Giving Notice.** Notice of the decision to utilize REAP funds may be given either by personal delivery to the landlord or be deposited in the United States mail in a sealed envelope, postage prepaid, and delivered to the address known to the citing division or department, or if not known, the address as shown on the last equalized assessment roll. Service by mail shall be deemed complete at the time of deposit in the United States mail. The failure of any landlord or other person to receive such notice shall not affect in any manner the validity of any of the proceedings or action taken hereunder. Proof of giving any such notice may be made by a declaration signed under penalty of perjury by any employee of the City.

74.6 **Escrow account.**

Tenants may deposit their rental payments into the REAP fund only after the Director-DPH has certified that the work necessary to abate the lead hazards in the unsafe residential unit has not been performed by the owner. Such certification shall be based on a written report by a citing department containing the following information: the estimate for the abatement work; the amount of monies currently available in the Health Code § 599 fund; those monies which are likely to be available in the Health Code § 599 fund within the next month; and, the amount of money likely to be collected from a rental deposits by tenants in the unsafe residential unit for the duration of the anticipated abatement work. The Director-DPH shall make his or her decision to utilize the REAP at a particular building based on the information contained in this report and on any other factors which are reasonable under the circumstances.

The Director-DPH shall notify all affected tenants by mail of the existence of the account, including an explanation of how rental payments shall be deposited into the account. A record of all deposits made by tenants shall be maintained by the Director-DPH. The Director-DPH shall provide, at least once a month for

the expected duration of the deposits of rent into REAP, a report to the landlord and the tenants concerning the activity in the account, including but not limited to, the provision for payment of reasonable administrative costs. The records of such account shall be reasonably available for public inspection.

74.7 **Expenditure of REAP Funds.**

Once the Director-DPH determines that the abatement of lead hazards can be performed with REAP and Health Code Section 599 funds, the landlord and all tenants shall be notified in writing that lead hazard abatement work will be performed on the unsafe residential unit. Only the City or its duly hired independent contractor may utilize REAP and Health Code Section 599 funds to perform lead hazard abatement work.

74.8 **Manner of Service for Use of REAP Funds**

Service on all persons entitled to a notice pursuant to this chapter may be sent by first-class mail, postage prepaid. In addition, a copy of any notice shall be posted in a conspicuous place upon the building involved.

The tenants of the building shall be notified of the principal provisions of REAP, of the mechanism for voluntary payment of rent into the escrow account, and of their legal

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SAN FRANCISCO

rights with respect to eviction under the provisions of this chapter. Nothing in this chapter enlarges, expands or creates rights for those tenants who would otherwise be exempt from the eviction provisions of § 37.9 of the San Francisco Administrative Code.

The failure of any landlord or other person to receive such notice shall not affect in any manner the validity of any proceedings taken thereunder.

74.9 **Recording of Lien for Expenditure of REAP Funds.**

Upon completion of abatement of the lead hazards through the use of REAP, the Director-DPH shall file and record a lien, on a form to be prescribed by the Director, legally describing the real property subject to REAP, stating that the lead hazards that were observed within the building in violation of local law were abated by the expenditure of REAP and Health Code Section 599 funds and the amount of funds so expended that are subject to the lien. Collection of said lien shall be in accord with the procedures set forth in Chapter 10, Article XX, San Francisco Administrative Code.

74.10 **Refund of REAP Funds.**

The unexpended portion of REAP funds derived from the

tenants' monthly rental deposits shall be refunded to the landlord within a reasonable time of completion of the abatement work, as evidenced by a certificate of final completion or abatement notice issued by the citing department.

74.11 **Payment of Administrative Costs**

The owner of a property for which REAP funds are utilized shall pay administrative costs of $85 per hour for the time spent by staff of the Department of Public Health evaluating, reviewing and monitoring the abatement of lead hazards on the landlord's property.

74.12 **Duties of the Director-DPH.**

The Director-DPH shall, in addition to performing the duties as prescribed herein, perform the following duties pertaining to the sound and efficient administration of this chapter. Such duties may be delegated by him/her:

A. **Determination of interested parties.** A title report, listing all persons on the records of the county recorder as having an ownership interest or liens, encumbrances or other interests in the real property on which the building is situated, shall be obtained. In addition, the names and addresses of any other interested party known to the Director-DPH or any member of

the Task Force, as defined by Health Code § 1606, shall be obtained.

B. **Contact with tenants.** Tenants of any building may be contacted after the decision that the lead hazards should be abated by the REAP process. Such contact may be in person or by mail or by both. Whatever reasonable means are necessary to carry out this activity, including but not limited to, contacting neighborhood organizations, may be used.

Any specific responses furnished by tenants or their representatives or agents, whether or not identifiable as attributable to any individual tenant, shall be confidential.

74.13 **Effects on Tenants' Rights.**

A. **Escrow payment as rent.** The gross amount paid into the REAP Trust Fund by or on behalf of a tenant shall be deemed a rent payment made in that same amount to the landlord. In any action by a landlord to recover possession of a residential unit for non-payment of rent, the tenant may raise the fact of payments into the REAP Trust Fund as an affirmative defense in the same manner as if such payments had been made to and accepted by the landlord.

//

B. **Recovery of unit.** A landlord may bring an action to recover possession of a rental unit that has been accepted into the REAP program based upon any grounds permitted by state or local law, provided that nothing in this Chapter may be construed to affect the applicability of Chapter 37 to those units that are subject to its provisions.

C. **Retaliatory Eviction.** If the landlord is seeking to recover possession of a residential unit in retaliation against the tenant for exercising his or her rights under this chapter or because of his or her complaint to an appropriate agency as to the habitability of a residential unit, or because of any other actions or proceedings by the City under this chapter, then the landlord may not recover possession of a residential unit in any action or proceeding or cause the tenant to quit involuntarily.

74.14 **Other Sources of Funds**

The Director-DPH shall identify sources of funds other than those identified in this section that may supplement the moneys available through REAP and Health Code Section 599 to successfully abate the unsafe conditions. The Director-DPH shall make this information reasonably available on a regular basis.

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74.15 **Applicability of Chapter 37, SF Administrative Code**

Rent increases for those units subject to Chapter 37 continue to be governed by the provisions of that chapter. Units not within the scope of that Chapter shall be governed by the terms and conditions of a written lease, if any, and applicable state and local laws other than Chapter 37.

APPROVED AS TO FORM:

LOUISE H. RENNE
City Attorney

By: _____
Deputy City Attorney

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
October 7, 1996	October 15, 1996
Ayes: Supervisors Alioto Bierman Brown Hsieh Katz Kaufman Leal Shelley Teng Yaki	Ayes: Supervisors Alioto Ammiano Bierman Brown Hsieh Kaufman Leal Shelley Teng Yaki
Absent: Supervisor Ammiano	Absent: Supervisor Katz

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

_____
Clerk

File No.
97-96-48

OCT 21 1996
Date Approved

_____
Mayor

FILE NO. 97-96-49 ORDINANCE NO. 399-96

[Establishment of Regulatory Fee for Lead Hazard Abatement Program]

AMENDING THE SAN FRANCISCO ADMINISTRATIVE CODE BY CREATING CHAPTER 73 TO ESTABLISH A REGULATORY FEE AND REVOLVING FUND TO SUBSIDIZE THE COSTS OF TENANT RELOCATION AND TO COVER THE REASONABLE COSTS INCURRED BY THE DEPARTMENT OF PUBLIC HEALTH IN ADMINISTERING THE LEAD HAZARD ABATEMENT PROGRAM.

NOTE: Entire section is NEW.

Section 1: It is hereby ordained that the People of the City and County of San Francisco hereby enact the following.

73.1 - SCOPE.

This Chapter establishes a regulatory fee applicable to all residential units within the City and County of San Francisco for which a "Job Card", as defined in San Francisco Building Code Section 108.2, was issued on or before January 1, 1978. For purposes of this Chapter, "residential units" are dwelling units and guest rooms as defined in Section 401 of the San Francisco Housing Code. The term shall not include:

(a) Housing accommodations in any hospital, convent, monastery, extended care facility, asylum, nonprofit home for the aged, or in dormitories owned and operated by an institution of higher education, a high school, or an elementary school;

(b) Dwelling units owned, operated or rented by any government unit, agency or authority.

73.2 - FINDINGS.

(a) In adopting Article 26 of the San Francisco Health Code, the Board of Supervisors found that the presence of lead hazards in dwelling units throughout San Francisco may pose life safety hazards to occupants of those units, particularly children. In authorizing the Department of Public Health to develop a lead hazard abatement program, the Board of Supervisors recognized that the abatement of lead hazards, as mandated by Health Code Article 26, will lead to short term displacement from residential units which are required to meet lead safety standards. As such, in enacting Chapter 72 of the Administrative Code, the Board of Supervisors expressly required that the relocation needs of those tenants who would be displaced as a result of lead hazard abatement activities be addressed in a fair and equitable manner.

(b) The Board of Supervisors further found, as expressed in Administrative Code Chapter 72, that the financial hardships on tenants associated with this displacement is best remedied by making monetary relocation assistance available directly to the tenants. The Board hereby finds that the financial hardship on

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landlords caused by the obligation to remediate lead hazards and to provide relocation assistance to individual tenants needs to be minimized. Mitigation of these hardships is reasonably achieved by spreading the costs of relocation assistance and the costs related to the administration of the lead hazard abatement program by the Department of Public Health among all residential units where lead hazards are likely to exist.

(c) In order to effectively mitigate these hardships, the Board of Supervisors adopts a fair and balanced approach that will provide monetary relocation assistance to tenants entitled to such assistance and will insure that the lead hazard abatement program administered by the Department of Public Health has adequate operating funds, without causing undue financial hardship on landlords.

(d) The Board of Supervisors hereby finds that it is reasonable and equitable to establish permanent funding for both relocation assistance and administration of the lead abatement program through a regulatory fee mechanism which shall be administered by the Department of Public Health. The fee shall be equal to the reasonable projected annual costs associated with relocating tenants from residential units which have lead hazards

and associated with the inspection, testing and sampling and related administrative time spent by the Childhood Lead Prevention Program in identifying lead hazards. Said fee shall be paid on a per unit basis and shall be borne equally by the owners of all residential units, as defined herein, which have a high probability of containing lead hazards.

<u>73.3 - PURPOSE</u>.

(a) The purpose for which this fee is imposed is to require those who will realize financial benefits from compliance with the lead abatement standards to bear the reasonable costs incurred in creating residential units free from lead hazards, including costs associated with the temporary relocation of tenants and the inspection, testing and sampling of residential units to identify lead hazards. This is achieved by requiring the payment of a fee, paid by each residential unit which is likely to have lead hazards, equal to the reasonable annual cost of providing relocation assistance and of administering the lead hazard abatement program.

(b) The fee collected from each residential unit pursuant to this section shall be used solely for the annual reasonable projected cost of funding relocation assistance to individual tenants who must relocate pursuant to the terms of Administrative

Code Chapter 72, and for the costs of inspection, sampling, and testing and related administrative time spent in identifying lead hazards which lead to the necessity for such relocation. All funds collected shall be deposited in the Relocation Assistance Fund/Lead Administration Fund created and established by Section 10.117-116 of this Code, for the relocation assistance mandated by Chapter 72 of this Code and for the purpose of administering the inspection, testing, sampling and related administrative tasks of Article 26 of the San Francisco Health Code, plus related administrative costs pursuant to Section 10.194 of the Administrative Code, including but not limited to, those incurred by the Tax Collector and Telecommunications Information Services Department to carry out the uses for which these funds are dedicated.

(c) However, in the first year of operation of the Relocation Assistance Fund and Lead Administration Fund herein, the total fee shall in no event exceed $ 1.00 per residential unit. During its first year of operation, no more than $0.50 of this fee shall be earmarked and paid into the Relocation Assistance Fund. For each year thereafter, the Department of Public Health has the discretion to adjust the amount of monies to be allocated to the

Relocation Assistance Fund, subject to the purposes and findings set forth herein, up to $5.00 per unit.

For the purposes of this calculation, a guest room shall be counted as one-half of a residential unit and shall be charged half the fee. The Assessor and the Director of the Department of Building Inspection shall release to the Telecommunications Information Services Department by June 1st information necessarv for compilation of the billing list. The Telecommunications Information Services Department shall compile the list, determine the total number of residential units subject to this fee and calculate the fee as of July 31st.

(d) The fee herein is for regulatory purposes only. It is not designed or intended for revenue purposes. Any surplus collected in a given year will reduce the fee in the next fiscal year.

73.4 - IMPOSITION OF THE FEE.

The owner of each residential unit in San Francisco, as defined herein, shall pay annually to the City and County of San Francisco a special assessment to be known as the Relocation Assistance and Lead Administration Fee to be calculated by the Telecommunications Information Services Department as provided in

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Section 73.3 above. All laws applicable to the collection and enforcement of ad valorem property taxes shall be applicable to the collection and enforcement of the Relocation Assistance Fee and Lead Administration Fee.

73.5 - RELOCATION ASSISTANCE FUND/LEAD ADMINISTRATION FUND

All fees collected under this Chapter shall be deposited in the Relocation Assistance/Lead Administration Fund as provided in Chapter 10, Section 10.117-116 of the San Francisco Administrative Code. All funds so collected shall be used solely for the purpose of funding relocation assistance and its related administrative costs, pursuant to Section 10.194 of this Code, and for funding the inspection, sampling, testing and related administrative costs incurred by the Department of Public Health's Childhood Lead Prevention Program in identifying lead hazards as well as the administrative costs incurred for administering this fund, as authorized by Section 10.194 of this Code.

73.6 - RULES AND REGULATIONS

The Department of Public Health is hereby authorized to adopt rules and regulations governing the administration of the Relocation Assistance/Lead Administration Fund, including, but not limited to, the annual amount of fees to be assessed against each

residential unit, the details of the permitted uses of said fees by the Childhood Lead Prevention Program and the manner in which said fees can be utilized by displaced tenants.

The Department of Public Health shall promulgate rules and regulations specifically to determine the amount of the fee to be assessed in years subsequent to the Fund's first year of operation in order that the projected actual annual costs of relocation and lead abatement administration be adequately maintained at all times. Such rules and regulations shall insure that relocation assistance shall not result in living expenses greater than that which the displaced tenant had immediately prior to the effective date of the relocation.

73.7 - LANDLORD PAYMENT WHEN FUND INSUFFICIENT TO PAY RELOCATION COSTS.

In the event that the monies in the Relocation Assistance Fund cannot pay all relocation assistance to a tenant who is entitled to such benefits, pursuant to the terms and conditions of Administrative Code, Chapter 72, the landlord shall be solely responsible for providing the entire relocation assistance due directly to the tenant. The Department of Public Health shall

insure that a landlord may seek reimbursement from the Fund when sufficient monies become available.

A landlord shall be notified of the insufficiency of funds at the time she/he submits his/her request to the Department of Public Health for relocation expenses. Said request shall be submitted on a form prepared by the Department of Public Health.

73.8 - TREATMENT OF PASSTHROUGH

The fee established by this Chapter shall not be passed through to the tenant as a rent increase under the terms and procedures of Administrative Code Section 37.8(e)(4).

73.9 - SEVERABILITY.

The provisions of this Chapter shall not apply to any person, association, corporation or to any property as to whom or which it is beyond the power of the City and County of San Francisco to impose the fee herein provided. If any sentence, clause, section or part of this ordinance, or any fee imposed upon any person or entity pursuant to it is found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality, or invalidity shall affect only such clause, sentence, section or part of this ordinance, or person or entity, and shall not affect or impair any of the remaining provisions, sentences, clauses, sections or other

parts of this ordinance, or its effect on other persons or entities. It is hereby declared to be the intention of the Board of Supervisors that this ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part of this ordinance not been included herein, or had such person or entity been expressly exempted from the application of this ordinance. To this end, the provisions of this Chapter are severable.

APPROVED AS TO FORM:

LOUISE H. RENNE
City Attorney

By: Steve Dick
Deputy City Attorney

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cc

Board of Supervisors, San Francisco

Passed for Second Reading	$	Finally Passed
	$	
October 7, 1996	$	October 15, 1996
	$	
	$	
Ayes: Supervisors Alioto Bierman Brown Hsieh Katz Kaufman Leal Shelley Teng Yaki	$	Ayes: Supervisors Alioto Ammiano Bierman Brown Hsieh Kaufman Leal Shelley Teng Yaki
	$	
	$	
Absent: Supervisor Ammiano	$	Absent: Supervisor Katz

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John L. Taylor
Clerk

File No.
97-96-49

OCT 21 1996
Date Approved

Mayor

FILE NO. 97-96-50 ORDINANCE NO. 400-96

[Relocation Assistance for Lead Hazard Remediation]

ORDINANCE AMENDING THE ADMINISTRATIVE CODE, BY CREATING CHAPTER 72, MANDATING RELOCATION ASSISTANCE BE PROVIDED TO RESIDENTS VACATED FROM RESIDENTIAL UNITS DEEMED UNSAFE DUE TO THE PRESENCE OF LEAD HAZARDS OR DUE TO THE UNPERMITTED USE OF A RESIDENCE DISCOVERED PURSUANT TO A LEAD HAZARD INSPECTION, PROVIDED THAT THE COSTS OF SHORT TERM RELOCATION AND ASSOCIATED ADMINISTRATIVE COSTS SHALL BE PAID FOR BY THE FEES COLLECTED PURSUANT TO ADMINISTRATIVE CODE CHAPTER 73, AND FURTHER PROVIDING CRIMINAL SANCTION FOR FAILURE TO PROVIDE SUCH ASSISTANCE.

NOTE: The following Section is entirely new.

Be it ordained by the People of the City and County of San Francisco:

Sec. 72.1 Intent and Purpose

(a) The Board of Supervisors finds that residents who are required to vacate their units because an Order to Abate has been issued by the Director of the Department of Building Inspection ("DBI") or Director of Public Health ("DPH"), stating that there are unsafe housing conditions due to the presence of lead hazards or the unpermitted status or occupancy of the unit discovered as a result of a

(Supervisors Shelley, Alioto, Ammiano, Bierman, Brown, Hsieh, Katz, Kaufman, Leal Teng, Yaki)

lead hazard inspection of the building pursuant to San Francisco Health Code Article 26, may experience relatively greater difficulty finding affordable replacement housing because of the expediency with which the displacement occurs. Moreover, an Order to Abate may require temporary vacation to protect occupant health and safety because the work necessary to make the unit habitable cannot be performed while the occupants remain in place.

(b) The City and County of San Francisco has embarked on an ambitious program to eradicate lead hazards throughout significant portions of the housing stock. An investigation under this enforcement program is triggered by the presence of a child with elevated levels of lead in their blood, commonly known as a lead poisoned child. Many lead poisoned children reside in low income households. Additionally, many of the housing units in which lead poisoned children reside are also units that are not safe for residential use or occupancy.

(c) In order to insure that these enforcement efforts reach the greatest possible number of households with lead poisoned children and housing units with lead hazards, there must be

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incentives and protections for those occupants who, by reporting lead hazards, risk the temporary or permanent loss of their affordable housing.

(d) The Board of Supervisors specifically finds that tenants displaced as a result of lead hazard relocation suffer a financial burden because of the acute lack of resources available for locating and securing suitable relocation housing. Additional hardship is often caused by lack of safe and decent comparably sized and located housing at an affordable rent. Local government has often assisted such displaced tenants with moving and associated relocation expenses. Resources to continue provision of this assistance have become increasingly scarce. Moreover, tenants displaced under these circumstances often require public health, transportation, storage and other public services on an interim basis, due to the health impacts of unsafe or hazardous housing.

(e) The Board of Supervisors further finds that the burden of relocation assistance for tenants subject to a lead hazard relocation notice should be shared equally by all property owners whose property could be subject to notices of

violation for maintaining a public nuisance caused by lead hazards, thereby necessitating a period of relocation of thirty (30) days or less for abatement of the lead hazard.

(f) However, the Board of Supervisors has determined that if a landlord is obliged under Chapter 37 of the San Francisco Administrative Code or any state or federal law to provide relocation assistance greater than that which is provided herein, those provisions providing the greatest amount of relocation assistance shall supersede all others.

(g) In order to ensure that adequate relocation assistance is available to lawful tenants and owner-occupants who are subject to lead hazard relocation and to provide that assistance in a manner that is as equitable as possible to the tenant, the landlord, the owner-occupant and the public at large, the Board of Supervisors finds and declares that this Ordinance is necessary to protect and further the public health, safety and welfare.

Sec. 72.2. Definitions.

For the purpose of this Chapter, the following terms are as defined below:

CITING DEPARTMENT: The Childhood Lead Prevention Program within the Department of Public Health or its successor agency and the Department of Building Inspection or its successor agency.

DIRECTOR-DPH: Director of Public Health or his or her designee.

DIRECTOR-DBI: Director of Building Inspection or his or her designee.

HOUSEHOLD: An individual, two or more persons related by blood or marriage, or a group of persons who are not related by blood or marriage and who live together, before and after the relocation, in a dwelling unit or portion of a dwelling unit.

LANDLORD: An owner, lessor, or sublessor who receives or is entitled to receive rent for the use and occupancy of any Dwelling Unit or portion thereof, any non-residential building, or any other premises in the City and County of San Francisco, and the agent, representative or successor of any of the foregoing.

LEAD HAZARD: Any condition that exposes children to Lead from any source, including but not limited to Lead-

Contaminated Water, Lead-Contaminated Dust, Lead-Contaminated Soil, Lead-Based Paint on Impact Surfaces, Friction Surfaces, or Accessible Surfaces, or Deteriorated Lead-Based Paint.

LEAD HAZARD RELOCATION: Relocation as a result of the presence of a lead hazard in the resident's unit or as a result of an lead hazard inspection of the building pursuant to the San Francisco Health Code, San Francisco Building or San Francisco Housing Code.

LEAD POISONED CHILD: A child under six years old, with a venous blood lead level greater than or equal to 20 micrograms per deciliter, or a persistent venous blood lead level between 15-19 micrograms per deciliter based on consecutive measurements three (3) to four (4) months apart.

NOTICE TO VACATE: Any notice or order issued by Department of Public Health that requires the temporary or permanent vacation of the unsafe residential unit.

OWNER: Any person, agent, firm or corporation having a legal or equitable interest in a dwelling unit, building, or other premises. For purposes of orders under Health

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Code Sections 1628 and 1630, the term "Owner" shall not include entities such as banks or lending institutions holding equitable interests as security unless the entity is in actual physical control of the premises, or is performing property management activities.

ORDER TO ABATE: Any order to abate provided to a landlord or owner issued by the Department of Public Health, pursuant to Health Code Section 1628 or the Department of Building Inspection, pursuant to Building Code Section 102, subsequent to a lead hazard inspection which finds that there exists a lead hazard requiring corrective action or a failure to comply with the San Francisco Housing, Building, Plumbing, Electrical or Mechanical Codes due to an unpermitted residential use and occupancy.

OWNER-OCCUPANT: An owner whose primary residence is in the residential unit which is the subject of the Order to Abate.

PROOF OF COMPLIANCE: Documentation, in such form as the citing department shall provide, that the lead hazards or conditions creating the unsafe unit have been abated pursuant to the terms and conditions of the Order to Abate.

RELOCATION ASSISTANCE: Benefits accruing to individual tenants and owner-occupants residing in unsafe residential units as defined herein.

RELOCATION ASSISTANCE FUND: Proceeds collected and expended pursuant to Chapter 73 of the San Francisco Administrative Code, which are earmarked specifically for the relocation assistance as provided for herein.

RESIDENTIAL UNIT: All residential dwelling units in the City and County of San Francisco together with the land and appurtenant buildings thereto, and all furnishings and facilities supplied in connection with the use or occupancy thereof, including garage and parking facilities.

RIGHT TO OCCUPY: The right of a tenant to reoccupy the residential unit or portion of the dwelling unit from which the tenant was displaced pursuant to the terms and conditions of this Chapter.

TENANT: A person entitled by written or oral agreement, sub-tenancy or by sufferance, to occupy a residential dwelling unit to the exclusion of others.

UNSAFE RESIDENTIAL UNIT: A residential unit shall be deemed unsafe for the purposes of this chapter only if it

or the common area of the building or structure in which it is located is the subject of a notice by the Director-DPH for lead hazards or by the Director-DBI for violations of the San Francisco Housing, Building, Plumbing, Electrical or Mechanical Codes due to unpermitted residential use and occupancy, where the notice of violation from DBI or DPH resulted from an inspection for lead hazards.

Sec. 72.3. Conditions for Relocation Assistance.

Relocation assistance shall be provided to any lawful tenant or owner-occupant who has been served with a Notice to Vacate based on a lead hazard inspection. Any Notice to Vacate shall be written in the appropriate languages(s) of the affected tenant(s), owner(s), owner-occupant(s) and/or manager(s). Any Notice to Vacate pursuant to which a tenant is entitled to relocation assistance under this Chapter, must comply with the relevant provisions of Sections 37.9(a)(10), (a)(11) or (a)(14) of the Administrative Code except that the landlord or owner is not obligated to pay relocation assistance as provided for in those sections if the tenant receives relocation assistance pursuant to this Chapter. A Notice to Vacate

based upon violations of Article 26 of the San Francisco Health Code will not be valid unless an Order to Abate, mandating abatement of the unsafe conditions in the residential unit from which relocation must occur, has been issued by a citing department.

A landlord may elect to temporarily relocate tenants pursuant to this Chapter for a period in excess of thirty (30) days only if the conditions of subsection (B) below are satisfied. A temporary relocation pursuant to this Chapter shall be subject to all rights and remedies provided by San Francisco Administrative Code §§ 37.9(a)(11) or (a)(14) except for the payment of relocation assistance as provided therein; provided, however, that a tenant temporarily relocated under this Chapter shall be displaced only for the lesser of 1. the time mandated by the citing department in its Order to Abate or 2. three (3) months.

For purposes of this Chapter, it shall be rebuttably presumed that a tenant is entitled to relocation assistance prior to being required to vacate his or her unit if a landlord endeavors to recover possession of the unit within

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six (6) months of the service of an Order to Abate by the citing department. This presumption shall not apply after the Order to Abate has been abated.

A. Notice to Vacate.

In order for a tenant or owner-occupant to be eligible for relocation assistance, a landlord shall provide each tenant, or the citing department shall provide the owner-occupant, in addition to any requirements for notice imposed by Sections 37.9(a)(10), (a)(11) or (a)(14) of the San Francisco Administrative Code, a Notice to Vacate, that states that the unit must be vacated because it is an unsafe residential unit. A copy of the Order to Abate shall be attached to the Notice to Vacate. Each Notice to Vacate shall state its duration and that the occupant(s) are eligible for relocation assistance, and shall include a full description of the requirements and scope of that assistance, as described herein. If a landlord elects to reduce or not pay relocation assistance under any of the exceptions set forth below, the Notice to Vacate shall state the exception upon which the landlord relies and the amount of relocation assistance, if any, to be paid to the

tenant. It shall be rebuttably presumed that the notice provided by the landlord is valid.

B. Relocation Assistance Due to Tenants. Relocation assistance in the form of a relocation payment shall be provided by the landlord to each individual adult tenant, or if the tenant is a minor, to the responsible adult with whom the minor has been residing at the premises. A relocation payment shall be offered or provided only in the following circumstances: (1) where there has been an Order to Abate by a citing department; (2) where the unit constitutes an unlawful residential use and the landlord seeks to permanently remove the unit from housing use; or (3) where the premises constitute an unlawful residential use and the landlord seeks to temporarily vacate the unit in order to convert the premises to a lawful use. The amount of relocation assistance shall be based upon the length of time the tenant will be displaced from the unit; provided that in no event shall a tenant be entitled to receive relocation assistance provided by Sections 37.9(a)(11) or 37.9(a)(13) of the Administrative Code if

the tenant receives relocation assistance pursuant to this Chapter.

(1) Relocation Payment. The landlord shall provide a relocation payment, the amount of which is based upon the length of time the tenant will be displaced from the unit, to each tenant who is a member of the household which is being displaced. For relocation payments which involve calculations of assistance on a daily basis, displacement in excess of eight (8) hours shall constitute one (1) day's relocation benefits.

a. Short Term Relocation: Short-term relocation shall apply only when the period of displacement will be up to 30 days. For purposes of short-term relocation only, the term "tenant" shall include an owner-occupant and each member of the owner-occupant's household where the owner-occupant and household members are required to vacate the residence as a result of an Order to Abate.

Short-term relocation payments shall be as follows: The tenant shall receive a relocation payment not less than four (4) days prior to the effective date of relocation, except that where an Emergency Order, as defined in San Francisco Health Code Section 1630, has been issued, relocation assistance shall be paid immediately. The amount of the relocation payment shall be a minimum of $35/person/day for temporary housing costs and a minimum of $10/person/day for the costs of food, transportation and other quality of life services. DPH, subject to approval by the Health Commission after a public hearing, shall adopt regulations which adjust this amount so that maximum daily assistance for short term relocation reasonably reflects the average daily housing and quality of life needs of tenants.

Payments shall be made for the estimated period of time that the tenant will be displaced; provided, however, that if the relocation period is extended beyond the initial payment period,

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payments shall be received in increments of not less than two (2) days.

Only in the event of short-term relocation may payment by the landlord to the Relocation Assistance Fund (Fund), established by Chapter 73 of the San Francisco Administrative Code, fulfill the landlord's obligation to pay relocation assistance pursuant to this subsection. Furthermore, owner-occupants who have received notices to vacate are entitled to short-term relocation assistance from the Fund if sufficient funds are available. In the event the Fund is insufficient to satisfy the landlord's obligation to provide relocation assistance to which the tenant is entitled, the landlord shall pay the tenant directly the entire amount of relocation assistance. The landlord may receive reimbursement from the Fund at such time as there are sufficient moneys in the Fund to provide adequate reimbursement, as determined by the Director-DPH.

b. Moderate Term Relocation: Relocation payments for displacements between one (1) and three (3) months shall be as follows: Each tenant shall receive $1,250, but the total relocation payment shall not exceed $4,000 per household; provided further that the maximum relocation payment for a single person household shall not exceed $2,000. All relocation payments under this subsection shall be provided before the expiration of the period provided for in the Notice to Vacate.

If upon surrender of possession of the unit, a household has not received the $4,000 maximum relocation payment provided under this subsection, then upon presentation of receipts to the owner for actual costs incurred, the household may receive an additional relocation payment of up to $4,000, notwithstanding the foregoing. Actual costs includes, but are not limited to costs of moving, storage, rent in excess of the amount paid by the household to the

landlord, and additional utility and transportation costs.

However, in no event shall the amount of relocation assistance result in living expenses greater than that which the displaced tenant had immediately prior to the effective date of relocation.

c. Permanent Relocation: The landlord shall provide relocation assistance in an amount equal to five (5) months fair market rent, as stated in the most recent schedule maintained by the Department of Housing and Urban Development (HUD) for a comparable residential unit; provided however that the maximum amount of relocation assistance to which a tenant is entitled shall not exceed five (5) months fair market rent for a two (2) bedroom unit. This subsection shall apply whenever an Order to Abate cites an unlawful residential use and the landlord seeks to demolish or otherwise permanently remove the unit

from housing use. Relocation payment under this subsection is an obligation separate from and additional to the refund of any security deposit pursuant to California Civil Code section 1950.5, Chapter 49 of the San Francisco Administrative Code, or any other remedy available to the tenant by law.

(2) Relocation upon Shortened Time. Upon the issuance of an Emergency Order by the citing department requiring temporary vacation of a unit with less than fifteen (15) days written notice, the landlord shall immediately pay to the tenant 25% of the per diem amount required by subsection (a), multiplied by each day such notice was less than fifteen (15) days. This relocation payment is in addition to any other relocation payment as provided for herein.

C. Right to Reoccupy. Any tenant evicted or required to vacate under the provisions of this Chapter shall have the right of first refusal to

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reoccupy the unit or other portion of the residential structure from which the tenant was evicted or required to vacate.

In addition, the following procedures are to be followed in affording the right of reoccupancy to the displaced tenant.

1. The landlord, at the time the tenant vacates the unsafe residential unit, shall give written notice advising the tenant of his/her right to reoccupancy. The notice shall also include the landlord's residential or business address and telephone number. The notice shall be in the appropriate language of the affected tenant(s).

2. The tenant shall provide the landlord with his/her address and telephone number, which the landlord will use for future notification purposes.

3. Within 14 days of the abatement of the notice for the unit or prior to the landlord's offering for

rent or lease the unit or portion of the residential structure from which the tenant was displaced pursuant to this Chapter, whichever is sooner, the landlord shall notify the tenant, in the appropriate language of the affected tenant(s), that she or he may exercise his/her right to reoccupy. The notice shall be given by certified mail, return receipt requested, to the address provided by the tenant and to all other addresses which the landlord has actual knowledge that the tenant resides or may be contacted. The notice shall state in no less than 12 point type, that the tenant must accept the offer of the unit within nineteen (19) days of mailing and that failure to do so may result in the termination of all right to reoccupy.

4. If the tenant does not respond to the notice within nineteen (19) calendar days of the date of mailing, or the landlord is unable to locate the tenant upon the exercise of good faith effort to

do so, the landlord shall be deemed to have complied with this section, and the tenant's right to reoccupy shall terminate.

Sec. 72.4. Exceptions to Payment of Relocation Assistance.

A. Any tenant who refuses to vacate within the time period stated on the Notice to Vacate pursuant to Section 72-3A shall not be entitled to receive relocation assistance; provided that if the tenant has, after good faith efforts, been unable to obtain alternative housing, the landlord shall extend the time period in which to vacate and to receive relocation assistance by an additional thirty (30) days.

B. If the tenant has failed to pay rent due, a landlord may elect to deduct the amount of rent owed from the relocation assistance a tenant would otherwise be entitled to under this Chapter. If the landlord elects to offset the relocation payments, any dispute as to whether rent is due or the amount that is due shall be resolved in a court of competent jurisdiction. Upon final determination by the court, the landlord shall make relocation payments to the tenant less the amount of rent that was found to be lawfully owed to the

landlord. Failure to make said payment shall be enforced pursuant to the remedies provided by Section 72-6 herein.

C. If any tenant or guest or invitee of the tenant has created the lead hazard or has caused or substantially contributed to the conditions giving rise to the unsafe conditions necessitating relocation, the tenant shall not be entitled to receive relocation assistance. The landlord shall allege in the notice to vacate and, under penalty of perjury, state specific facts supporting the allegation that the tenant, or guest or invitee of the tenant, caused or substantially contributed to the conditions creating the lead hazards. The burden of proof shall be on the landlord to demonstrate the specific facts supporting the allegations. Should the landlord fail to provide such information, the tenant is entitled to damages equal to three times the relocation assistance the tenant is entitled to under this Chapter. Any dispute as to whether the tenant, or guest or invitee of the tenant caused or substantially contributed to the conditions creating the lead hazard shall be resolved in a court of competent jurisdiction. This exception

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shall apply only to payments subject to moderate term relocation, as defined in Section 72-3(B)(1)(b) herein.

D. The tenant's knowledge of the status of the unit as an unsafe residential unit shall not disqualify a tenant from eligibility for relocation assistance provided by this Chapter.

Sec. 72.5. Rent Increases During Lead Hazard Work. It shall be unlawful for a landlord to increase the amount of rent for any vacated unit pursuant to this chapter, except as otherwise permitted by Chapter 37, San Francisco Administrative Code.

Sec. 72.6. Violation and Penalty. Any person or their authorized agent who violates, disobeys, willfully neglects or refuses to comply with or resists the execution of this Chapter or who causes or permits the violation of this Chapter shall be guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine not exceeding $1,000, or by imprisonment not exceeding six (6) months, or both such fine and imprisonment. In addition to any fine imposed hereunder for a violation of this Chapter, any person violating or causing or permitting the violation of this Chapter shall reimburse the City and County of

San Francisco for any costs or expenses incurred for investigation of said violation.

All fines imposed hereunder shall be due and payable to the Relocation Assistance Fund.

Sec. 72.7. Enforcement. Whenever a landlord violates any part of this Chapter, any aggrieved tenant may file a civil action for injunctive relief, money damages, and whatever other relief the court deems appropriate. The prevailing party shall be entitled to reasonable attorney's fees and costs pursuant to order of the court. The remedy afforded by this section is cumulative to other existing remedies available to a tenant.

APPROVED AS TO FORM:

LOUISE H. RENNE
City Attorney

By: _____
Deputy City Attorney

Board of Supervisors, San Francisco

Passed for Second Reading	$	Finally Passed
	$	
October 7, 1996	$	October 15, 1996
	$	
	$	
Ayes: Supervisors Alioto Bierman	$	Ayes: Supervisors Alioto Ammiano
Brown Hsieh Katz Kaufman Leal	$	Bierman Brown Hsieh Kaufman Leal
Shelley Teng Yaki	$	Shelley Teng Yaki
	$	
Absent: Supervisor Ammiano	$	Absent: Supervisor Katz

I hereby certify that the foregoing ordinance
was finally passed by the Board of Supervisors
of the City and County of San Francisco

Clerk

File No.
97-96-50

OCT 21 1996
Date Approved

Mayor

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